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PROCEEDINGS
OF THE
State Convention,
OF
MARYLAND,
TO FRAME
A NEW CONSTITUTION,

Commenced at Annapolis, May 8, 1867.

ANNAPOLIS:
GEORGE COLTON, PRINTER.
1867.

PROCEEDINGS.

HALL OF THE HOUSE OF DELEGATES.

WEDNESDAY, May 8th, 1867.

A PROCLAMATION.

BY

THE GOVERNOR OF MARYLAND.

STATE OF MARYLAND, EXECUTIVE DEPARTMENT.

Whereas, by an Act of the General Assembly of Maryland, passed at January session, 1867, entitled "An Act to provide for taking the sense of the people of this State on the call of a Convention to form a new Constitution and Form of Government, and for assembling the members thereof," it was enacted that an election should be held as provided by said Act to take the sense of the people on the question of the call of the Convention, and to elect delegates thereto in case said call was sustained by a majority of the votes cast.

And whereas, it is by said Act made the duty of the Governor to count and cast up the number of ballots cast at said election for and against a Convention, and the blank ballots cast, and the ballots cast for delegates to said Convention, and if it should thereupon appear that more votes had been cast in favor of the call of a Convention than against such call, to issue his proclamation declaring the persons having the majority in the several counties and in the city of Baltimore, respectively, to be elected to said Convention, and for the assembling of the members thereof;

And whereas, the returns of said election have been received from the city of Baltimore and the several counties of the State, and upon counting and casting up the ballots which, according to said returns, were cast at the election held for said purpose on the 10th day of April instant, it appears that the whole number of votes cast was 58,718, of which 34,534 were for a Convention, and 24,136 against a Convention, and

48 blank ballots ; and it therefore appearing that more votes have been cast in favor of the call of a Convention than against the call of a Convention—

Now therefore, I, Thomas Swann, Governor of the State of Maryland, in obedience to the requirements of the Act of Assembly aforesaid, do by this my proclamation declare and make known that the persons having the majority in the several counties and the city of Baltimore, respectively, have been duly elected delegates to said Convention, and that the Convention authorized by said Act will be held in the city of Annapolis, on the SECOND WEDNESDAY OF MAY next, being the eighth day of said month, where the said delegates will, on that day, assemble to enter upon the discharge of the duties prescribed by the Act aforesaid.

[SEAL.] Given under my hand and the Great Seal of the State of Maryland, at the city of Annapolis, this twentieth day of April, in the year of our Lord, 1867.

THOMAS SWANN.

By the Governor:

JOHN M. CARTER, Secretary of State.

In conformity with the foregoing Proclamation, and in obedience to the requirements of the Act of Assembly, the title of which is therein mentioned, the Convention assembled at 12 o'clock, M., on Wednesday the 8th day of May, in the year one thousand eight hundred and sixty-seven, in the Hall of the House of Delegates, in the city of Annapolis.

All the delegates elect appearing to be present, except Messrs. Thomas I. Hall, of Anne Arundel county, Anthony Kennedy, of Baltimore county, John W. Bennett, of Carroll county, Vivian Brent and John T. Stoddert, of Charles county, James Wallace, of Dorchester county, Henry D. Farnandis, of Harford county, William M. Merriek, of Howard county, and John B. Brooke, of Prince George's county.

On motion, by Mr. Isaac D. Jones,

Mr. John F. Dent was appointed temporary President, and Mr. James R. Howison temporary Secretary.

On motion, by Mr. Jones, it was

Ordered, That the proceedings of the Convention be opened by prayer, and that the Rev. Mr. Leach, who is now present, be requested to officiate; whereupon,

The Rev. Mr. Leach offered a prayer.

Mr. Charles S. Parran, submitted the following order :

Which was agreed to,

Ordered, That a committee of five be appointed by the Chair to inform the Governor that the Convention to frame a new Constitution for the State of Maryland, has assembled in the Hall of the House of Delegates, in accordance with the Act of the General Assembly, and his Proclamation relating thereto, and has temporarily organized by electing a Chairman and Secretary, and that the Convention desires to have a list of names of the Delegates who are shown by the returns made to him, to have been duly elected members of the Convention; whereupon,

Messrs. Charles S. Parran, of Calvert, Isaac D. Jones, of Somerset, Philip H. Roman, of Allegany, Bernard Carter, of Baltimore city, and J. K. Longwell, of Carroll counties are appointed the said committee.

The Committee retired, and on returning reported that they had called on the Governor, as directed by the order of the Convention, and that the Governor would communicate the information desired forthwith.

On motion by Mr. Jones,

To adjourn until to-morrow at 12 o'clock,

It was determined in the negative.

The following message was received from the Governor, by Mr. Leary, his Secretary :

EXECUTIVE DEPARTMENT,

ANNAPOLIS, May 8, 1867.

To the Convention :

GENTLEMEN: In accordance with the application of your Honorable Body through the Committee appointed to confer with me, I transmit herewith a list of the members elected under the Act entitled "An Act to provide for taking the sense of the people of this State on the call of a Convention to form a new Constitution and Form of Government, and for assembling the members thereof," passed at the late January session of the General Assembly of Maryland: and I also hand you the Proclamation of the Governor issued in accordance with the provisions of the said Act.

The official returns from the several counties and the city of Baltimore are on file in this office, subject to the use of the Convention.

I have the honor to be, with great respect,

Your obedient servant,

THOMAS SWANN.

Allegany County—Thomas Perry, Alfred Spates, William Walsh, J. Philip Roman, Jacob Hoblitzell, Thomas J. McKaig.

Anne Arundel County—James R. Howison, Thomas I. Hall, E. G. Kilbourn, Luther Giddings.

Baltimore City—First Legislative District—Lindsey H. Rennolds, Ezra Whitman, John H. Barnes, Isaac S. George, Joshua Vansant, Edward F. Flaherty, James A. Henderson.

Second Legislative District—George M. Gill, George William Brown, Bernard Carter, Albert Ritchie, Henry F. Garey, George W. Dobbin, J. Hall Pleasants.

Third Legislative District—J. R. Brewer, John Ferry, J. M. Peters, John Franck, J. P. Merryman, I. M. Denson, W. S. Wilkinson.

Baltimore County—Charles A. Buchanan, John Wethered, Ephraim Bell, Anthony Kennedy, Samuel W. Starr, Charles H. Nicolai, Robert C. Barry.

Calvert County—John Parran, Charles S. Parran, Dr. John F. Ireland.

Caroline County—R. E. Hardcastle, Dr. Charles E. Tarr, Tilghman H. Hubbard, W. H. Watkins.

Carroll County—John K. Longwell, George W. Manro, Sterling Galt, Benj'n W. Bennett, Thomas F. Cover, William N. Hayden.

Cecil County—Benjamin B. Chambers, George R. Howard, James B. Groome, James O. McCormick, Eli Cosgrove.

Charles County—Walter Mitchell, Vivian Brent, John T. Stoddert.

Dorchester County—James Wallace, William T. Goldsborough, George E. Austin, Dr. Levin Hodson.

Frederick County—William P. Maulsby, Frederick J. Nelson, Harry W. Dorsey, Outerbridge Horsey, William S. McPherson, John B. Thomas, Dewitt C. Johnson.

Harford County—Henry D. Farnandis, Henry W. Archer, Dr. John Evans, Evans S. Rogers, Henry A. Silver.

Howard County—William M. Merrick, James Mackubin, Henry O. Devries, James Morris.

Kent County—Joseph A. Wickes, Richard W. Ringgold, C. H. B. Massey, William Janvier.

Montgomery County—Greenbury M. Watkins, Nicholas Samuel Riggs of R., Washington Duvall.

Prince George's County—John F. Lee, John B. Brooke, Fendall Marbury, Elbert G. Emack.

Queen Anne's County—Richard B. Carmichael, Thomas J. Keating, Washington Finley, Stephen J. Bradley.

St. Mary's County—Robert Ford, John F. Dent, Baker A. Jamison.

Somerset County—Purnell Toadvine, Thomas F. J. Rider, James L. Horsey, Isaac D. Jones, Henry Page.

Talbot County—William Goldsborough, Richard C. Holleyday, Henry E. Bateman, Ormond Hammond.

Washington County—Andrew K. Syester, R. H. Alvey, Joseph Murray, S. S. Cunningham, William Motter, George W. Pole.

Worcester County—J. Hopkins Tarr, Littleton P. Franklin, Thomas P. Parker, Samuel S. McMaster, George W. Covington.

On motion by Mr. Outerbridge Horsey, of Frederick County,

The Convention proceeded to elect a President, *viva voce*.

Mr George W. Dobbin, of Baltimore city, nominated the Hon. Richard B. Carmichael, of Queen Anne's county, and there being no other nomination,

On motion by Mr. Barry, of Baltimore county,

The Hon. R. B. Carmichael was declared to be the unanimous choice of the Convention, and was conducted to the chair by the following Committee, appointed by the President, *pro. tem.*, to wit:

John Wethered, of Baltimore county; Walter Mitchell, of Charles county; and George William Brown, of Baltimore city.

The President addressed the Convention as follows:

Gentlemen of the Convention:

This is a most distinguished honor. I thank you profoundly, proudly thank you. A partial constituency conferred the high privilege upon me of a seat upon this floor, to partake in your deliberations and labors on a subject of of the highest concern to themselves and to the State. Appreciating as I do the responsibilities of that position, and the exalted characters of the members of this body, I feel that my position on the floor was fully equal to the measure of my deserving. The choice which has just fallen upon me to preside over your deliberations is, according to my taste and in my judgment, the highest to which a citizen of Maryland could aspire, or any authority bestow. I am,

therefore, gentlemen, totally without words to express as I would my sense of your favor.

It would not be becoming in me to attempt to foreshadow the result of the proceedings of this Convention by reference in detail to any of its measures. They are unknown to me. It is only for me to say that you have been called here to frame a new Constitution or to adopt that which has had an existence *de facto* here for a brief space, and to express the opinion that you will discharge the duty that has been imposed upon you in such a manner as to promote the peace and order of the State, and to reflect lasting honor on yourselves. I trust, gentlemen, that the proceedings of this Convention will be marked by that harmony which should prevail among men of common opinions, and upon an occasion of so great magnitude.

I bring to this position no experience in reference to the duties of the chair. I shall have, therefore, gentlemen, to anticipate that indulgence from the members of this body, which their partiality has disclosed. I thank you, gentlemen, for the honor you have conferred upon me.

On motion of Mr. Maulsby,

A committee of three was appointed by the President to wait upon the Hon. D. R. Magruder, Judge of the Circuit Court for Anne Arundle county, and request him to attend the Convention and administer the oath of office to the President,

Whereupon the President appointed the following committee for that purpose.

Messrs. Robt. C. Barry, of Baltimore county, William P. Maulsby, of Frederick county, and George M. Gill, of Baltimore city.

After a brief absence, the committee returned with Judge Magruder.

On motion by Mr. Wickes, of Kent county,

A committee of three was appointed by the President to ascertain what oath the President, delegates and officers of the Convention was required to take; and to report to-morrow morning at the opening of the Convention.

Whereupon the President appointed

Messrs. Wickes, of Kent county, George William Brown, of Baltimore city, Albert Ritchie, of Baltimore city.

On motion by Mr. Maulsby,

Judge Magruder was requested to attend at 11 o'clock, A. M. to-morrow, to administer the oath of office to the President.

On motion by Mr. Wickes,

The Convention adjourned to meet to-morrow at 11 o'clock, A. M.

THURSDAY, May 9th, 1867.

The Convention met.

Hon. Richard B. Carmichael, President elect, in the chair, and James R. Howison, Esq., acting as Secretary.

Prayer by Rev. Mr. Leech.

Mr. Wickes, chairman Select Committee, submitted the following

REPORT :

The committee to whom was referred the question as to the form of the oath to be taken by the officers and members of this Convention, beg leave to report :

That by the fifth section of the Act of the General Assembly of Maryland providing for the call of this Convention, passed at the January session of 1867, chapter 327, it is enacted that, before any member elect, or officer of said Convention shall enter upon his duties, he shall take the oath to discharge said duties in the form prescribed by law for members of the House of Delegates of this State, *mutatis mutandis*, except the Speaker or President elect of said Convention, who shall take the same oath in the presence of said Convention, before some judge or justice of the peace of this State.

That by virtue of the Act, entitled, "An Act to restore to full citizenship, and the right to vote and hold office, all persons who may be deprived thereof by the provisions contained in the fourth section of the Constitution of this State," passed on the 24th of January, 1867, chapter 17, and also by virtue of said fifth section of said Act of 1867, chapter

327, the oath or affirmation required to be taken by the members and officers of this Convention is as follows :

I, _____, do swear or affirm, as the case may be, that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, according to the Constitution and laws of the State of Maryland, discharge the duties of a member, or officer, of the Convention to frame a new Constitution and Form of Government for the State of Maryland, called in pursuance of the Act of the General Assembly of the State of Maryland, passed in the year 1867, chapter 327, and that, since the fourth day of July, in the year eighteen hundred and fifty-one, I have not in any manner violated the provisions of the present, or the late Constitution in relation to the bribery of voters, or preventing legal votes, or procuring illegal votes to be given, and I do further swear or affirm, that I will bear true allegiance to the State of Maryland, and support the Constitution and laws thereof, and that I will bear true allegiance to the United States, and support, protect and defend the Constitution, Laws and Government thereof as the supreme law of the land, any law or ordinance of this or any State to the contrary notwithstanding, and I do further swear, or affirm, that I will, to the best of my ability, protect and defend the Union of the United States, and not allow the same to be broken up and dissolved, or the Government thereof to be destroyed under any circumstances, if in my power to prevent it, and that I will, at all times, discountenance and oppose all political combinations having for their object such dissolution or destruction.

The committee further report that said oath should be administered to the President elect of the Convention by some judge or justice of the peace of the State, and should then in conformity with the third section of the sixty-eighth article of the Code of Public General Laws be administered by said President to the other members of the Convention, and to the officers thereof, and that said oath, after having been administered as aforesaid, should be subscribed by said President, members and officers of the Convention respectively, in conformity with the provisions of said article of the Code.

JOSEPH A. WICKES,
GEO. WM. BROWN,
ALBERT RITCHIE.

Which was read and adopted.

The oath of office was then duly administered to Hon. Richard B. Carmichael, President elect of the Convention, by Hon. Daniel R. Magruder, Judge of the 2nd Judicial District.

The following members elect to the Convention were then qualified before the President:

Allegany County—Thomas Perry, Alfred Spates, William Walsh, J. Philip Roman, Jacob Hoblitzell, Thomas J. McKaig.

Anne Arundle County—James R. Howison, Thomas I. Hall, E. G. Kilbourn, Luther Giddings.

Baltimore City—First Legislative District—Lindsey H. Rennolds, Ezra Whitman, John H. Barnes, Isaac S. George, Joshua Vansant, Edward T. Flaherty, James A. Henderson.

Second Legislative District—George M. Gill, George William Brown, Bernard Carter, Albert Ritchie, Henry F. Garey, George W. Dobbin, J. Hall Pleasants.

Third Legislative District—Jas. R. Brewer, John Ferry, J. Montgomery Peters, John Franck, J. P. Merryman, I. M. Denson, Walter S. Wilkinson.

Baltimore County—Chas. A. Buchanan, John Wethered, Ephraim Bell, Anthony Kennedy, Sam. W. Starr, Chas. H. Nicolai, Robert C. Barry.

Calvert County—John Parran, C. S. Parran, Dr. John T. Ireland.

Caroline County—R. E. Hardcastle, Dr. Chas. E. Tarr, Tilghman H. Hubbard, W. H. Watkins.

Carroll County—John K. Longwell, George W. Manro, Sterling Galt, Benjamin W. Bennett, Thomas F. Cover, Wm. N. Hayden.

Cecil County—B. B. Chambers, George R. Howard, James B. Groome, James O. McCormick, Eli Cosgrove.

Charles County—Walter Mitchell, Vivian Brent, John T. Stoddert.

Dorchester County—James Wallace, William T. Goldsborough, George E. Austin, Dr. Levin Hodson.

Frederick County—Wm. P. Maulsby, Frederick J. Nelson, Harry W. Dorsey, Outerbridge Horsey, William S. McPherson, John B. Thomas, Dewitt C. Johnson.

Harford County—Henry D. Fernandis, Henry W. Archer, Dr. John Evans, Evans S. Rogers, Henry A. Silver.

Howard County—William M. Merrick, James Mackubin, Henry O. Devries, James Morris.

Kent County—Jos. A. Wickes, Richard W. Ringgold, C. H. B. Massey, Wm. Janvier.

Montgomery County—G. M. Watkins, Nicholas Brewer, Samuel Riggs, of R., Washington Duvall.

Prince George's County—John S. Lee, John B. Brooke, Fendall Marbury, Elbert G. Emack.

Queen Anne's County—Richard B. Carmichael, Thomas J. Keating, Washington Finley, Stephen J. Bradley.

St. Mary's County—Robert Ford, John F. Dent, Baker A. Jamison.

Somerset County—Purnell Toadvine, Thomas F. J. Rider, Jas. L. Horsey, Isaac D. Jones, Henry Page.

Talbot County—Wm. Goldsborough, Richard C. Hollyday, Henry E. Bateman, Ormond Hammond.

Washington County—Andrew K. Syester, Richard H. Alvey, Joseph Murray, S. S. Cunningham, Wm. Motter, Geo. W. Pole.

Worcester County—J. H. Tarr, L. P. Franklin, Thomas P. Parker, S. S. McMaster, George W. Covington.

Mr. Gill submitted the following order :

Ordered, That the following persons be declared appointed to the offices of this Convention for which they are respectively named, and during the pleasure of this Convention :

Secretary—Milton Y. Kidd, of Cecil county.

Assistant Secretary—Thomas H. Moore, of Baltimore county.

Sergeant-at-Arms—Charles G. Griffith, of Baltimore city.

Committee Clerks—John Posey, of St. Mary's county ; Stephen P. Toadvine, of Somerset county ; N. T. Meginnis, of Kent county ; John H. Woodward, of Baltimore city.

Doorkeepers—John Hagan, of Frederick county ; Henry Dryden, of Worcester county.

Postmaster—J. E. Bateman, of Harford county.

And be it further ordered, that the President of this Convention be authorized to appoint during his pleasure the remaining officers of the Convention, consisting of four Pages, one Hallkeeper, one Lamplighter and two Folders, provided he considers such appointments necessary ;

Which was adopted.

Milton Y. Kidd, Secretary, Thomas H. Moore, Assistant Secretary, Charles G. Griffith, Sergeant-at-Arms, John H. Woodward, Stephen P. Toadvine, and N. T. Meginnis, Committee Clerks, John Hagen and Henry Dryden, Doorkeepers.

ers, and Joseph E. Bateman, Postmaster, officers elect, were qualified, and entered upon the discharge of their duties.

Mr. Bateman submitted the following order :

Resolved, That the thanks of this Convention are due, and are hereby tendered the Honorable John F. Dent, for the dignified and impartial manner with which he discharged the duties of temporary President, and that they also be extended to James R. Howison, Esq., for the amenity and ability with which he has discharged the duties of Secretary *pro tem.* ;

Which was adopted.

Mr. Jones submitted the following order :

Resolved, That the ministers of religion resident in the city of Annapolis be requested to arrange among themselves, select and name to the President of the Convention, one of their number of each of the religious denominations to which they respectively belong, alternately to officiate as Chaplain, to open the daily sessions of the Convention with prayer.

Ordered, That the Secretary of the Convention transmit to each of the ministers aforesaid, a copy of the foregoing resolution ;

Which was adopted.

Mr. Nicolai submitted the following order :

Ordered, That the Hallkeeper be directed to hoist the United States flag from the dome of the State House each day during the sitting of this Convention ;

Which was adopted.

Mr. Wethered submitted the following order :

Ordered, That the Secretary of this Convention shall, as soon as practicable, furnish each member of the Convention with a copy of "The American's Guide," comprising the Constitution of the United States and of the several States of the Union.

Mr. Maulsby moved to lay the order on the table ;

Which was decided in the negative.

Mr. Maulsby moved to amend, by striking out the words "member of the Convention," and insert the word "delegation."

Mr. George submitted the following amendment:

"Provided, That the cost of the whole does not exceed one hundred and fifty dollars ;"

Which was rejected.

Mr. Devries, submitted the following amendment:

“Ordered, That the State Librarian be requested to procure for the State Library twenty-five copies of the American Guide as soon as practicable;”

Which was rejected.

The question then recurring upon the amendment submitted by Mr. Maulsby,

It was adopted.

The question then recurring upon the order submitted by Mr. Wethered, as amended,

It was adopted.

Mr. Jones submitted the following order:

Ordered, That a committee of seven be appointed by the President to report rules for the government of the Convention, and that until the report shall have been made and adopted, the rules of the last Constitutional Convention be adopted to regulate the proceedings of this Convention;

Which was adopted.

Hon. Thomas I. Hall, member elect to the Convention from Anne Arundel county, appeared, qualified and took his seat.

On motion of Mr. Mackubin, it was

Ordered to be entered on the Journal of Proceedings, that the Hon. William M. Merrick, of Howard county, is detained from his seat in this Convention by sickness.

Mr. Wethered moved a reconsideration of the vote by which the order submitted by him was adopted ;

Decided in the negative.

Mr. Barry, submitted the following order:

Ordered, That the following standing committees, to consist of _____ members each, be appointed by the Chair:

1st. A committee to consider and report upon the Declaration of Rights.

2d. Upon the Executive Department.

3d. Upon the Legislative Department.

4th. Upon the Judiciary Department.

5th. Upon the Attorney General and the State's Attorneys.

6th. Upon the Treasury Department.

7th. Upon the Elective Franchise and the Qualification of Voters.

8th. Respecting the Militia and Military Affairs.

9th. Upon Education.

10th. Upon a proper basis of representation in the two Houses of the General Assembly, and a proper apportionment of representatives in the same.

11th. Respecting future amendments and revisions of the Constitution.

12th. Respecting the appointment, tenure of office, duties and compensation of all civil officers not embraced in the duties of other standing committees.

13th. Upon Claims.

14th. Upon Printing.

Mr. Dobbin submitted the following order, as a substitute :

Ordered, That the Bill of Rights and Constitution of 1851 be printed in the customary form for legislative consideration, and that on Monday next the Convention shall proceed to consider and amend the same in committee of the whole, section by section, until the whole shall have been acted upon and reported to this Convention for final adoption.

Mr. Page, submitted the following order as a substitute:

Ordered, That a committee of eleven be appointed by the President, to inquire and report what method will be most expedient in bringing before the Convention, amendments to, and changes in the present Constitution of the State.

Pending the consideration of which,

Mr. Starr moved that this Convention do now adjourn ;

Decided in the negative.

The Convention then resumed the consideration of the substitute submitted by Mr. Page,

Pending which Mr. Jones submitted the following order :

Ordered, That until otherwise ordered, the Convention will meet at — o'clock, A. M.

Mr. Jones moved to fill the blank in said order with the word "eleven."

Decided in the negative.

On motion of Mr. Dobbin,

The blank was filled with the word "ten."

The question then recurring upon the order as amended, it was adopted.

At 3¼ o'clock the Convention adjourned.

FRIDAY, May 10th, 1867.

The Convention met.

Prayer by Rev. Mr. Hammond.

Present at the call of the roll the following members :

Messrs. Carmichael, (President,) Perry, Spates, Walsh, Roman, Hoblitzell, Howison, Hall, Kilbourn, Giddings, Rennolds, Barnes, George, Vansant, Flaherty, Henderson, Gill, Brown, Ritchie, Garey, Dobbin, Pleasants, Ferry, Peters, Franck, Denson, Wilkinson, Buchanan, Wethered, Bell, Kennedy, Starr, Nicolai, Barry, Parran, John, Parran, C. S., Ireland, Hardcastle, Tarr, of Caroline, Hubbard, Longwell, Galt, Bennett, Cover, Hayden, Chambers, Howard, Groome, McCormick, Mitchell, Goldsborough, Austin, Hodson, Maulsby, Nelson, Dorsey, Horsey, McPherson, Thomas, Johnson, Farnandis, Archer, Evans, Rodgers, Silver, Mackubin, Devries, Morris, Wickes, Ringgold, Massey, Janvier, Brewer, of Kent, Riggs, of R., Lee, Brooke, Marbury, Emack, Keating, Finley, Bradley, Ford, Dent, Jamison, Toadvine, Rider, Jones, Page, Goldsborough, of Talbot, Hollyday, Bateman, Hammond, Syester, Alvey, Murray, Cunningham, Motter, Pole, Tarr, of Worcester, Franklin, Parker, McMaster, Covington—103.

The Hon. Anthony Kennedy, member elect from Baltimore county, and Hon. Henry D. Farnandis, member elect from Harford county, appeared qualified, and took their seats.

The President announced the following Committee on Rules, under the order submitted by Mr. Jones on yesterday :

Committee on Rules :

Messrs. Kilbourn, Jones, Brooke, Dent, Keating, Perry, Howison.

Mr. Maulsby submitted the following order :

Ordered, That the Comptroller of the Treasury be requested to report to this Convention, at as early a day as practicable, the aggregate amounts of money paid out of the Treasury on account of Special Judges, in each year, from 1852 to 1866, inclusive ;

Which was adopted.

The President laid before the Convention the following :

VESTRY ROOM OF ST. ANNE'S CHURCH,
Annapolis, May 9th, 1867.

At a meeting of the Clergy of the City of Annapolis, to whom were addressed copies of an Order, passed this day by the Constitutional State Convention, authorizing the clergy of the city to appoint one of their body from each denomination of Christians, to officiate alternately as Chaplains to said Convention, on motion of the Rev. Michael Burke, the following gentlemen were designated :

Rev. S. V. Leech, of the Methodist Episcopal Church,
Rev. I. J. Henderson, of the Presbyterian Church, Rev. J. P. Hammond, of the Episcopal Church, and Rev. Michael Burke of the Roman Catholic Church.

J. PINCKNEY HAMMOND,
Rector of St. Anne's Church,
Secretary.

Which was read.

Mr. Maulsby submitted the following order :

Ordered, That the Comptroller of the Treasury report to this Convention the aggregate amounts of money paid out of the Treasury on account of Counsel Fees for business in which the State was interested, including assistance to State's Attorneys for prosecuting criminal cases, in the several counties and the city of Baltimore, in each year, from 1852 to 1866, inclusive ;

Which was adopted.

Mr. Maulsby submitted the following order :

Ordered, That the Clerk of the County Commissioners of the several counties of this State, and the Comptroller of the city of Baltimore be requested to report at the earliest practicable day to this Convention, the aggregate amounts of money levied and paid on account of Judges of the Orphan's Courts in the levies for the year 1866, and that the Secre-

tary transmit to each of said Clerks and to said Comptroller a copy of this Order ;

Which was adopted.

The Convention then took up for consideration the unfinished business of yesterday, being the order submitted by Mr. Barry, the question recurring upon the substitute submitted by Mr. Page.

Pending which, by general consent,

Mr. Page withdrew his substitute.

Mr. Gill submitted the following amendment to the order submitted by Mr. Barry :

And it is further ordered, That a committee of — be appointed by the President to consider and report upon a proper basis of representation to be adopted in the Constitution ; and that a committee of — be appointed to consider and report upon the Judiciary system of the State ; and that a committee of — be appointed to consider and report upon a system of Education ; which committees shall report to this Convention by the time the subjects respectively committed to them shall be reached under the operation of the foregoing order ;

Pending the consideration of which,

Mr. Tarr, of Caroline, moved the previous question.

The question then being,

“ Shall the previous question be now put,”

It was sustained.

The question then recurring upon the amendment submitted by Mr. Gill,

Mr. Gill demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

Messrs.	Ferry,	Thomas,
Carmichael, P't.	Franck,	Archer,
Perry,	Wilkinson,	Evans,
Walsh,	Hardcastle,	Rogers,
Howison,	Tarr, of Caroline,	Mackubin,
Hall,	Hubbard,	Ringgold,
Giddings,	Watkins,	Massey,
Barnes,	Chambers,	Lee,
Henderson,	McCormick	Keating,
Gill,	Austin,	Finley,
Dobbin,	Maulsby,	Goldsborough, T.
Pleasants,	Horseby,	

NEGATIVE.

Messrs. Spates,	Galt,	Emack,
Roman,	Bennett,	Bradley,
Hoblitzell,	Cover,	Ford,
Kilbourn,	Hayden,	Dent,
Rennolds,	Howard,	Jamison,
George,	Groome,	Toadvine,
Vansant,	Cosgrove,	Rider,
Flaherty,	Mitchell,	Horsey,
Brown,	Goldsborough, D.	Jones,
Ritchie,	Hodson,	Page,
Garey,	Nelson,	Bateman,
Brewer, of B. city,	Dorsey,	Hammond,
Peters,	McPherson,	Syester,
Denson,	Johnson,	Alvey,
Buchanan,	Farnandis,	Murray,
Bell,	Silver,	Cunningham,
Kennedy,	Devries,	Motter,
Starr,	Morris,	Pole,
Nicolai,	Wickes,	Tarr, of Worc'r,
Barry,	Janvier,	Franklin,
Parran, J.,	Brewer, of M'y,	Parker,
Parran, C. S.,	Riggs of R.,	McMaster,
Ireland,	Brooke,	Covington,
Longwell,	Marbury,	Wethered—72.

So the substitute submitted by Mr. Gill was rejected.

The question then recurring upon the order submitted by Mr. Barry,

It was adopted.

Mr. Longwell moved to fill the blank in the order, as adopted, with the word "nine;"

Pending the consideration of which,

Mr. Jones made the point of order, that the Convention having adopted the order under the operation of the previous question, it was not competent for the Convention to fill the blank; that in order to do so the Convention would have to reconsider its action upon the question.

Mr. Buchanan moved to reconsider the vote by which the order submitted by Mr. Barry was adopted.

The President decided that it was within the province of the Convention to fill the blank in the order.

Mr. Jones appealed from the decision of the Chair.

The question then recurring upon the appeal taken by Mr. Jones,

It was not sustained.

Mr. Bateman submitted the following order :

Ordered, That each of the committees heretofore ordered, shall consist of nine members.

Mr. Maulsby submitted the following order :

Ordered, That the blanks in the order just adopted be filled by the Chair with such number as to the Chair may seem proper.

Mr. Spates submitted the following order as a substitute :

Ordered, The Committee on Education to consist of one from each county and one from each of the three Legislative Districts of Baltimore city ; the Committee on Judiciary to consist of one from each county, and three from Baltimore city ; the Committees on Representation and Bill of Rights each to consist of one from each county, and one from each of the three Legislative Districts of Baltimore city ; the committees on all other subjects to consist of nine members each ;

Which was adopted.

Mr. Barnes submitted the following order:

Ordered, That there shall be appointed a committee on Public Works and Corporations;

Which was adopted.

Mr. Brewer submitted the following order:

Resolved, That a committee of five members be appointed by the Chair to arrange the seats appropriate to the several delegations, so as to enable the delegations from each county and the several legislative districts of Baltimore city, to occupy contiguous chairs, and especially to arrange and provide that each member of this Convention may be provided with a seat in the body; which

On motion of Mr. C. S. Parran,

Was laid on the table.

Mr. Hammond submitted the following order:

Ordered, That the proper officers of this Body be directed to provide seats for such members as are not provided for.

Mr. Groome submitted the following order as a substitute:

Ordered, That the choice of seats for members of this Convention be decided in the following manner:—That numbers from 1 to 24, both inclusive, be written on similar slips of paper, and placed by the Secretary of this Convention in a hat, and that the delegation from each county, and legislative district of Baltimore city, shall respectively select one of

said delegation who shall, in the presence of the said Secretary, draw one of said numbers from said hat, and that the delegation whose representative shall draw number 1 shall be entitled to the first choice of seats, the delegation whose representative shall draw number 2, to the second choice, and so on, in the order of said numbers until the seats of each delegation are selected;

Pending the consideration of which,

Mr. Groome demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Barry,	Wickes,
Carmichael, Pt.,	Parran, John	Ringgold,
Perry,	Hardcastle,	Massey,
Spates,	Tarr, of Caroline,	Janvier,
Walsh,	Hubbard,	Brewer, of Mont.,
Roman,	Watkins,	Riggs, of R.,
Hoblitzell,	Longwell,	Marbury,
Howison,	Galt,	Emack,
Hall,	Bennett,	Keating,
Kilbourn,	Cover,	Finley,
Giddings,	Hayden,	Bradley,
Rennolds,	Chambers,	Ford,
Barnes,	Howard,	Dent,
George,	Groome,	Jamison,
Vansant,	McCormick,	Rider
Flaherty,	Cosgrove,	Horsey, of S.,
Henderson,	Mitchell,	Jones,
Gill,	Goldsborough, D.,	Page,
Brown,	Austin,	Goldsborough, T.,
Ritchie,	Hodson,	Holliday,
Dobbin,	Maulsby,	Bateman,
Pleasants,	Nelson,	Hammond,
Brewer, B. city,	Dorsey,	Syester,
Ferry,	Horsey, of F.,	Alvey,
Peters,	McPherson,	Murray,
Franck,	Thomas,	Cunningham,
Wilkinson,	Johnson,	Motter,
Buchanan,	Farnandis,	Pole,
Wethered,	Archer,	Tarr, of Somerset,
Bell,	Evans,	Franklin,
Kennedy,	Silver,	Parker,
Starr,	Mackubin,	McMaster,
Nicolai,	Devries,	Covington—98.

NEGATIVE.

Messrs.	Ireland,	Morris,
Parran, C. S.	Rogers,	Toadvine—5.

So the substitute submitted by Mr. Groome, was adopted.

Under the above order, the various delegations proceeded to ballot; and selected their seats.

Mr. Wethered submitted the following order:

Ordered, That when this Convention adjourn it adjourn to meet on Tuesday next at 12 o'clock, M., to afford time for the President to form the various committees;

Pending the consideration of which,

Mr. Parran moved the previous question,

Which was sustained.

The question then being,

“Shall the previous question be now put,”

It was sustained.

The question then recurring upon the order submitted by Mr. Wethered,

It was adopted.

Mr. Jones submitted the following order:

Ordered, That the President be, and he is hereby authorized to take order for procuring and paying for the postage stamps necessary for the use of the Convention;

Which was adopted.

Mr. Nelson submitted the following order:

Ordered, That in the resolution adopted yesterday relative to the appointment of Chaplains, the Convention intended the designation of one minister from each of the five churches of the city, and that such designation should be made by all the members of said churches; which,

On motion of Mr. Covington,

Was laid on the table.

On motion of Mr. Covington,

At 3 o'clock P. M., the Convention adjourned.

TUESDAY, May 14th, 1867.

The Convention met.

Prayer by Rev. Mr. Burke.

Present at the call of the roll the following members :

Messrs. Carmichael, (President,) Perry, Spates, Walsh, Roman, Hoblitzell, Howison, Kilbourn, Giddings, Rennolds, Whitman, Barnes, George, Vansant, Flaherty, Henderson, Gill, Brown, Ritchie, Garey, Dobbin, Brewer, of Baltimore city, Ferry, Peters, Franck, Merryman, Denson, Wilkinson, Buchanan, Wethered, Bell, Starr, Nicolai, Barry, Ireland, Hardcastle, Tarr, of Caroline, Hubbard, Watkins, Longwell, Manro, Chambers, Howard, Groome, McCormick, Cosgrove, Stoddert, Goldsborough, of Dorchester, Austin, Hodson, Maulsby, Nelson, McPherson, Thomas, Johnson, Evans, Silver, Mackubin, Devries, Wickes, Ringgold, Massey, Janvier, Brewer, of Montgomery, Riggs, of R., Duvall, Lee, Marbury, Emack, Finley, Bradley, Ford, Dent, Toadvine, Rider, Horsey, of Somerset, Jones, Page, Bateman, Hammond, Syester, Alvey, Murray, Cunningham, Motter, Pole, Tarr, of Worcester, Franklin, Parker, McMaster, Covington—87.

The Journal of Friday was read and approved.

Hon. Joseph P. Merryman, member elect from Baltimore city, and Hon. J. T. Stoddert, member elect from Charles county, appeared, qualified, and took their seats.

The President appointed the following officers, under the order submitted by Mr. Gill on Thursday :

Hall Keeper—George W. Murdock, Annapolis.

Lamplighter—John V. Lowe, Talbot county.

Folders—David Barry, Prince George's county, James Coon, Washington county.

Pages—John C. McCabe, Anne Arundel county, Anthony M. Neale, Charles county, Henry H. Somers, Montgomery county, J. J. Grindall, Baltimore city.

Mr. Denson submitted the following order :

Ordered, That this Convention proceed to-morrow at 12 o'clock to the election by ballot of Reporter in Chief for the Proceedings and Debates of the Convention ;

Which was adopted.

The President laid before the Convention the following communication from the Comptroller :

TREASURY DEPARTMENT,

COMPTROLLER'S OFFICE,

Annapolis, May 11th, 1867.

HON. RICHARD B. CARMICHAEL,

President Constitutional Convention,

SIR,—In obedience to an order of the Convention, adopted on the 10th inst., requesting the Comptroller of the Treasury to report “a statement of the aggregate amount paid by the State to special Counsel employed by the Executive, or other officers of the State, since the year 1852, and also the amount paid to special Judges.”

I have the honor to submit the following statements, “A and B,” embracing the information asked for by the Convention. I also submit statement “C,” showing the amount of commissions paid State s attorneys for the collection of monies due the State.

All of which is respectfully submitted.

WM. J. LEONARD,

Comptroller.

STATEMENT A.

Statement showing the payments to Special Judges from July 4th, 1851, to May 10th, 1867.

From July 4th, 1851, to Sept. 30th, 1854	\$2,207 60
For the Fiscal year end'g Sept. 30th, 1855	2,117 00
“ “ “ “ “ “ “ 1856	4,547 40
“ “ “ “ “ “ “ 1857	3,850 00
“ “ “ “ “ “ “ 1858	6,279 20
“ “ “ “ “ “ “ 1859	2,032 20
“ “ “ “ “ “ “ 1860	2,312 20
“ “ “ “ “ “ “ 1861	1,933 60
“ “ “ “ “ “ “ 1862	1,328 40
“ “ “ “ “ “ “ 1863	2,148 00
“ “ “ “ “ “ “ 1864	2,504 70
“ “ “ “ “ “ “ 1865	1,552 50
“ “ “ “ “ “ “ 1866	5,057 50
From Sept. 30th, 1866, to May 10th, 1867	5,063 40
	<hr/> \$42,933 70

STATEMENT B.

*Statement showing the Commissions paid to Attorneys employed
employed by the Governor and other officers of the State,
from July 4th, 1851, to May, 1867.*

For the year 1852	\$3,700 00
" " " 1853	2,175 00
" " " 1855	900 00
" " " 1856	2,475 00
" " " 1859	3,550 00
" " " 1860	2,600 00
" " " 1861	200 00
" " " 1862	5,550 00
" " " 1864	6,360 81
" " " 1865	3,397 50
" " " 1866	2,777 14
" " " 1867	5,300 00
Total,	\$38,985 45

STATEMENT C.

*Statement showing the Commission paid State's Attorneys for
the collection of monies due the State, from February
28th, 1852, to May, 1867.*

For the year 1852	\$ 929 99
" " " 1853	2,504 59
" " " 1854	2,130 99
" " " 1855	1,903 96
" " " 1856	2,911 89
" " " 1857	782 63
" " " 1858	1,603 27
" " " 1859	1,213 02
" " " 1860	924 12
" " " 1861	2,046 62
" " " 1862	7,491 33
" " " 1863	4,575 69
" " " 1864	1,840 79
" " " 1865	1,043 04
" " " 1866	737 58
" " " 1867	30 18
Total Amount,	\$34,678 69

Which was read, and

On motion of Mr. Dent,

Referred to the Committee on the Judiciary,—yet to be announced.

Mr. Giddings submitted the following order :

Ordered, That a committee of nine be appointed by the President to consider the propriety of organizing a department of the State Government, to be known as the Department of Labor and Agriculture ; and if, in their judgment, the establishment of such a department would be beneficial to the people of Maryland, then to report to this Convention a plan for the same.

Pending the consideration of which,

Mr. Devries submitted the following substitute :

Ordered, That a special committee of one from each county and one from the city of Baltimore, be appointed by the President on Agriculture and Public Roads ;

Which was rejected.

The question then recurring upon the order submitted by Mr. Giddings,

It was adopted.

Mr. Barry submitted the following :

Article. That the written and expressed provisions of the Federal and State Constitutions apply alike in time of peace as well as in time of war, and any departure therefrom, or violation thereof, under the plea of necessity, is subversive of good government, national and State faith, and tends to anarchy and despotism ;

Which was read, and,

On motion of Mr. Barry,

Referred to the Committee to consider and report upon the Declaration of Rights, yet to be announced.

The President laid before the Convention a communication from the State Librarian ;

Which was read, and,

On motion of Mr. Buchanan,

Laid on the table.

The President announced the following Standing Committees :

Committee to consider and report upon the Declaration of Rights—Isaac D. Jones, Thomas Perry, Thomas I. Hall, Isaac S. George, Bernard Carter, J. M. Peters, Charles A. Buchanan, John F. Ireland, Robert E. Hardcastle, George W. Manro, George R. Howard, John T. Stoddert, George E. Austin, Evans S. Rogers, James Morris, Frederick J. Nelson, Richard W. Ringgold, Nicholas Brewer, John B. Brooke, Stephen J. Bradley, Baker A. Jamison, Ormond Hammond, Andrew K. Syester, Thomas P. Parker.

Committee upon the Executive Department—John T. Stoddert, Thomas Perry, Thomas I. Hall, Joshua Vansant, John Wethered, Benjamin W. Bennett, James Wallace, Wm. P. Maulsby, J. Hopkins Tarr.

Committee upon the Legislative Department.—John F. Dent, Thomas J. McKaig, George William Brown, George M. Gill, Anthony Kennedy, William N. Hayden, George R. Howard, Henry D. Farnandis, Henry Page.

Committee upon the Judiciary Department—George W. Dobbin, Wm. Walsh, James R. Howison, George M. Gill, Albert Ritchie, Robert C. Barry, C. S. Parran, Charles E. Tarr, James B. Groome, William N. Hayden, Vivian Brent, James Wallace, William P. Maulsby, Henry W. Archer, James Mackubin, Joseph A. Wickes, G. M. Watkins, Fendall Marbury, Thomas J. Keating, Robert Ford, Henry Page, Richard C. Hollyday, William Motter, George W. Covington.

Committee upon the Attorney General and the State's Attorneys—Robert C. Barry, Lindsey H. Rennolds, Henry F. Garey, James B. Groome, John Evans, Richard W. Ringgold, J. Hopkins Tarr, Robert Ford, Henry W. Archer.

Committee upon the Treasury Department—Richard C. Hollyday, John Ferry, S. W. Starr, B. B. Chambers, Harry W. Dorsey, C. H. B. Massey, Elbert G. Emack, Stephen J. Bradley, L. P. Franklin.

Committee upon the Elective Franchise and the Qualification of Voters—Joseph A. Wickes, Jacob Hoblitzell, Henry F. Garey, Joseph P. Merryman, John Wethered, Washington Duvall, Henry E. Bateman, Robert Ford, Andrew K. Syester.

Committee respecting the Militia and Military Affairs—John F. Lee, Luther Giddings, John Ferry, William H. Watkins, James Wallace, James Mackubin, Purnell Toadvine, George W. Pole, S. S. McMaster.

Committee upon Education—Henry D. Farnandis, Thomas J. McKaig, E. G. Kilbourn, Joshua Vansant, J. Hall Pleasants, W. S. Wilkinson, Ephraim Bell, Charles S. Parran,

Charles E. Tarr; Thomas F. Cover, James O. McCormick, Vivian Brent, Wm. T. Goldsborough, De Witt C. Johnson, Henry O. Devries, C. H. B. Massey, Washington Duvall, John B. Brooke, Thomas J. Keating, Baker A. Jamison, Robert Ford, Thomas F. J. Rider, Henry E. Bate-man, Joseph Murray, Littleton P. Franklin.

Committee upon a proper basis of representation in the two Houses of the General Assembly, and a proper apportionment of Representatives in the same—Richard H. Alvey, J. Philip Roman, Luther Giddings, John H. Barnes, George William Brown, J. M. Denson, Anthony Kennedy, John Parran, Tilghman H. Hubbard, John K. Longwell, Eli Cosgrove, Walter Mitchell, Levin Hodson, Outerbridge Horsey, John Evans, James Mackubin, William Janvier. Samuel Riggs of R., John S. Lee, Washington Finley, John F. Dent, Purnell Toadvine, William Goldsborough, S. S. McMaster.

Committee respecting future amendments to the Constitution—William P. Maulsby, Edward F. Flaherty, John Franck, Charles A. Buchanan, Henry W. Archer, Benjamin B. Chambers, William S. McPherson, Greenbury M. Watkins, Elbert G. Emack.

Committee respecting the appointment, tenure of office, duties and compensation of all civil officers not embraced in the duties of other Standing Committees—J. Philip Roman, Bernard Carter, Robert C. Barry, Walter Mitchell, George E. Austin, William S. McPherson, James Mackubin, John F. Lee, S. S. Cunningham.

Committee upon Claims—James R. Howison, Alfred Spates, Ezra Whitman, Tilghman H. Hubbard, Benjamin B. Chambers, William Janvier, Harry W. Dorsey, Samuel Riggs of R., Henry A. Silver.

Committee upon Printing—John K. Longwell, James A. Henderson, James R. Brewer, Samuel W. Starr, John B. Thomas, Henry A. Silver, John F. Dent, William Motter, James L. Horsey.

Committee upon Public Works and Corporations—John H. Barnes, Alfred Spates, Charles H. Nicolai, Sterling Galt, Outerbridge Horsey, Henry D. Farnandis, William T. Goldsborough, Fendall Marbury, S. S. McMaster.

Mr. Marbury submitted the following order :

Ordered, That the Committee on the Judiciary inquire how far this Convention is limited in its powers by the existing Constitution of the State and the Act of Assembly providing for the call of the Convention, and report to this Convention at as early a day as practicable ;

Which was rejected.

Mr. Nicolai submitted the following order :

Ordered that the Committee on the Legislative Department be instructed to consider and report on the propriety of prohibiting the General Assembly from passing any law making any appropriation to compensate the late masters or claimants of slaves emancipated from servitude in this State : which,

On motion of Mr. Vansant,

Was laid on the table.

Mr. Wethered submitted the following order :

Ordered, That the Chair appoint a committee of nine to consider and report upon the rights, duties, divisions and sub-divisions of counties;

Which was rejected.

Mr. Buchanan submitted the following order:

Ordered, That the Committee on the Legislative Department be requested to take into consideration the expediency of incorporating into the Constitution, some suitable provision for the protection of male and female children under the age of eighteen years, employed in the factories and workshops of this State, from the excessive labor which, in some cases, is now imposed on them, preventing their moral and physical development, and rendering them incapable of future usefulness to themselves and the State; which,

On motion by Mr. Wickes,

Was laid on the table.

Mr. Denson submitted the following order:

Ordered, That the printer to this House furnish ten extra copies of the daily Journal of Proceedings for the use of each member;

Mr. McMaster moved to amend by striking out the word "ten," and inserting the word five;

Mr. Nicolai moved to amend by inserting the word fifteen;

Decided in the negative.

The question then recurring upon the amendment submitted by Mr. McMaster,

It was rejected.

The question then recurred upon the order submitted by Mr. Denson;

Which was adopted.

Mr. Wickes submitted the following order:

Ordered, That the Clerks of the several Circuit Courts of this State be requested to furnish this Convention with the following information, viz:—The number of cases—criminal, civil, and in equity—which were tried at the several terms of the Circuit Courts held in their respective counties, in the years 1865 and 1866; what number of suits were brought and indictments found in said several Courts within the period referred to, specifying the number of suits brought to, and indictments found, during each term of Court, and the number of jury trials during each of said terms; the duration of the several terms of Court during said period, and the number of days the petit jury were in attendance during each term; and that the Secretary transmit a copy of this order to each of said Clerks,

Which was adopted.

Mr. Ritchie submitted the following order:

Ordered, That a committee of seven be appointed by the President, to consider and report upon the usury laws and the rate of interest,

Which was adopted.

The President laid before the Convention the following:

BALTIMORE, May 13, 1867.

Hon. R. B. Carmichael,

President of the Constitutional Convention:

SIR—In reply to an order of the Convention requesting the City Comptroller to communicate the amount of money paid Judges of the Orphan's Court, I have the honor to state that there was paid to the Judges of the Orphan's Court for Baltimore city, fifty-five hundred and ninety-four dollars, (\$5,594) during the year 1866.

I am very respectfully

SAMUEL MACCUBBIN,
City Comptroller.

Which was read, and

On motion of Mr. Vansant,

Referred to the Committee upon the Judiciary Department.

Mr. Merryman submitted the following order:

Ordered, That the President of this Convention be authorized to appoint during his pleasure, one Page in addition to

the four Pages he is already authorized to appoint, provided, he should consider such appointment necessary.

Mr. McCormick moved to lay the order on the table,

Decided in the negative.

The question then recurring upon the order submitted by Mr. Merryman,

It was adopted.

Mr. Marbury submitted the following:

Ordered, That the Committee on the Legislative Department be requested to inquire into the expediency of incorporating a provision into the Constitution, requiring the Legislature to provide for the publication, after each regular session of a new edition of the Maryland Code, which shall embrace all the changes, additions and alterations in its sections, and provisions made at that session, so that the last edition of the Code shall always represent the exact state of the law as it exists;

Pending the consideration thereof,

Mr. Kilbourn demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called and appeared as follows.

AFFIRMATIVE.

Messrs.	Mackubin,	Ford,
Carmichael, P't.	Wickes,	Dent,
Hall,	Brewer, of Mont.,	Toadvine,
Giddings,	Riggs, of R.,	Page,
Nelson,	Marbury,	Syester,
McPherson,	Emack,	Franklin—18.
Thomas,		

NEGATIVE.

Messrs. Perry,	Merryman,	Hodson,
Spates,	Denson,	Johnson,
Walsh,	Wilkinson,	Evans,
Roman,	Buchanan,	Silver,
Kilbourn,	Wethered,	Devries,
Rennolds,	Bell,	Morris,
Whitman,	Starr,	Ringgold,
Barnes,	Nicolai,	Massey,
George,	Barry,	Janvier,
Vansant,	Ireland,	Rider,
Flaherty,	Tarr, Caroline,	Jones,
Henderson,	Watkins,	Bateman,

Gill,	Longwell,	Hammond,
Brown,	Manro,	Murray,
Ritchie,	Howard,	Cunningham,
Garey,	Groome,	Pole,
Brewer, B. City,	McCormick,	Tarr, Worcester,
Ferry,	Stoddert,	Parker,
Peters,	Goldsborough, D.,	McMaster,
Franck,	Austin,	Covington—60.

So the order submitted by Mr. Marbury was rejected.

Mr. Ford submitted the following order:

Ordered, That a committee of five be appointed by the President to ascertain upon what terms the services of a competent Reporter for the Convention can be obtained, and report to this Body as early as practicable;

Pending its consideration,

Mr. Silver submitted the following order as a substitute:

Ordered, That the Committee on Printing be instructed to ascertain the expense of a Reporter to this Convention, and report the same to this Body, immediately upon the assembling of the Convention to-morrow.

Mr. Wilkinson submitted the following as a substitute for the whole:

Ordered, That the President be requested to appoint a committee of five, and name a time for them to meet, before which the several gentlemen who desire the appointment of Phonographic Reporter to this Convention, shall come for the purpose of having their respective qualifications for the position tested by actual trial. The Committee to decide upon the person in their opinion most suitable, and report his name to the Convention for its action, at the same time report the expense of such reporting.

Mr. Nicolai moved to lay the substitute on the table,

Decided in the negative.

The question then recurring upon the substitute submitted by Mr. Wilkinson,

It was rejected.

The question then recurring upon the substitute submitted by Mr. Silver,

It was rejected.

The question then recurred upon the order submitted by Mr. Ford;

Which was adopted.

The President appointed the following committee under the above order :

Messrs. Ford, Merryman, Wickes, Starr and Silver.

Mr. George submitted the following order :

Ordered, That the Committee on Education be instructed to inquire into the expediency of abolishing the office of Superintendent of Public Instruction, and substituting therefor four educational districts, one of which shall be the city of Baltimore, the other three as may in the judgment of the Committee be advisable ; each district to be entitled to a superintendent ; and whether it be politic to make said superintendent elective by the people, or subject to appointment by the Governor, or otherwise ;

Which was read, and,

On motion of Mr. George,

Referred to the Committee upon Education.

On motion of Mr. Wethered,

At 2½ o'clock, the Convention adjourned.

WEDNESDAY, May 15, 1867.

The Convention met.

Prayer by Rev. Mr. Henderson.

Present at the call of the roll the following members:

Messrs. Carmichael, (President,) Spates, Walsh, Roman, Hoblitzell, McKaig, Howison, Hall, Kilbourn, Giddings, Rennolds, Whitman, George, Vansant, Flaherty, Henderson, Gill, Carter, Ritchie, Garey, Dobbin, Pleasants, Brewer, of Baltimore City, Ferry, Peters, Franck, Merryman, Denson, Wilkinson, Buchanan, Wethered, Bell, Starr, Nicolai, Ireland, Tarr, of Caroline, Watkins, of Caroline, Longwell, Galt, Bennett, Cover, Chambers, Howard, Groome, McCormick, Cosgrove, Mitchell, Stoddert, Wallace, Goldsborough, of Dorchester, Austin, Hodson, Nelson, Dorsey, McPherson, Thomas, Johnson, Farnandis, Evans, Rogers, Silver, Mackubin, Devries, Morris, Wickes, Ringgold, Massey, Janvier, Watkins, of Montgomery, Brewer, of Montgomery, Riggs, of

R., Duvall, Lee, Brooke, Marbury, Emack, Finley, Bradley, Ford, Dent, Toadvine, Rider, Horsey, of Somerset, Jones, Page, Goldsborough, of Talbot, Hollyday, Bateman, Hammond, Syester, Alvey, Murray, Cunningham, Motter, Pole, Tarr, of Worcester, Franklin, Parker, McMaster, Covington—100.

The Journal of yesterday was read and approved.

The Hon. James Wallace, member elect from Dorchester county, and Hon. Bernard Carter, member elect from Baltimore city, appeared, qualified and took their seats.

The President appointed William Chapline, Page under the order adopted on yesterday.

Messrs. John V. Posey, George W. Murdock, John V. Lowe, David Barry, James Coon, John C. McCabe, Anthony M. Neale, Henry A. Somers, Joseph J. Grindall and Wm. Chapline, officers elect, were duly qualified.

The President announced Messrs. Giddings, Kennedy, John Parran, Galt, Howard, Austin, Janvier, Goldsborough, of Talbot, and Parker, a committee under the order submitted by Mr. Giddings, and adopted on yesterday.

The President announced under the order submitted by Mr. Ritchie, and adopted yesterday, Messrs. Ritchie, Walsh, Pleasants, Buchanan, Hodson, Evans, Riggs and Emack, a committee to report upon the usury law and rates of interest.

The President laid before the Convention the following communication from the Clerk of the County Commissioners of Allegany county :

OFFICE COUNTY COMMISSIONERS,

Cumberland, May 12, 1867.

TO HON. RICHARD B. CARMICHAEL,

President Constitutional Convention :

In obedience to an order of the Convention over which you are called to preside, I beg leave to report, that it appears from the books in the office of the County Commissioners of Allegany county, that the aggregate amount levied for the Judges of the Orphan's Court of said county, for the year 1866; was nine hundred and fifty-nine dollars and eighty-eight cents, (959.88;) two hundred and ninety-nine dollars and eighty-eight cents, (299.88) of which was to meet a deficiency in the levy of the previous year.

Respectfully submitted,

W. R. McCULLEY,

Clerk County Commissioners of Allegany County.

Which was read, and,

On motion of Mr. McMaster,

Referred to the Committee upon the Judiciary Department.

Mr. Tarr, of Worcester, submitted the following order :

Ordered, That the Committee upon a Proper Basis of Representation in the two Houses of the General Assembly, and a proper apportionment of representative in the same, be directed to enquire into the propriety of forming a new county out of the counties of Somerset and Worcester, and to report to the Convention thereupon ;

Which was read, and,

On motion of Mr. Rider,

Referred to the Committee upon a Proper Basis of Representation in the Two Houses of the General Assembly, and a proper apportionment of Representatives in the same.

Mr. Ritchie submitted the following order :

Ordered, That the Clerks of the respective Circuit Courts of the State, and of the several Courts of Baltimore city, be requested to furnish to this Convention, as promptly as practicable, a statement setting forth for each year since 1860 ;

1st, The aggregate revenue of their respective offices ;

2nd, The amount received from each source of revenue ;

3rd, The expenses of their respective offices, and upon what account received ;

Which was adopted.

Mr. Watkins, of Montgomery, submitted the following :

Ordered, That the President of the Convention be requested to adopt such measures as his judgment may suggest, in reference to the accommodation of the delegates from Montgomery county, as will enable said delegation to occupy contiguous seats within the bar of this Convention.

Mr. Motter submitted the following substitute:

Ordered, That a committee of three be appointed by the Chair to arrange the seats so that the several delegations shall sit together, the choice of seats ruling, as in the previous order ;

Which was rejected.

The question then recurring upon the order submitted by Mr. Watkins,

It was adopted.

Mr. Tarr, of Caroline, submitted the following order:

Ordered, That it be entered on the Journal that T. H. Hubbard of Caroline county, is absent from the Convention on account of sickness in his family ;

Which was adopted.

Mr. Bradley submitted the following order :

Ordered, That it be entered on the Journal, Thomas J. Keating, Esq., delegate from Queen Anne's county, is detained from his seat on account of pressing business in the Circuit Court of Queen Anne's county ;

Which was adopted.

Mr. Nelson submitted the following order :

Ordered, That the Clerk of the County Commissioners of each of the counties of the State be requested to furnish to this Convention a statement of the amounts levied in their respective counties as compensation for the State's Attorneys in said counties during the years 1864, '65, '66, 67 ;

Which was adopted.

Mr. Nelson also submitted the following order :

Ordered, That the Clerks of the Circuit Courts for this State be requested to furnish to this Convention a statement of the number of indictments found by the Grand Juries of their respective counties during the years 1864, '65, '66, '67, and the disposition made of the same, so as to show how many have been quashed, how many ruled bad on demurrer, and how many convictions and acquittals have been had under the same ;

Which was adopted.

The President laid before the Convention the report of the Clerk to Commissioners of Anne Arundel county, in response to an order of the Convention ;

Which was read, and,

On motion of Mr. Vansant,

Referred to the Committee upon the Judiciary Department.

Mr. Rennolds submitted the following order:

Ordered, That the Secretary of the Convention be directed to procure a copy of the Constitution of 1864, as also of the bill providing for calling this Convention, for the use of each member of this Convention, at as early a day as practicable.

Pending the consideration of which,

Mr. Wethered submitted the following amendment :

“And also that of 1851, to be printed section by section in parallel columns.”

The question recurring upon the amendment,

On motion of Mr. Mitchell,

Was laid on the table.

Mr. Walsh submitted the following order :

Ordered, That the Committee on the Elective Franchise be requested to take into their consideration the expediency of inserting into the Constitution strong and efficient provisions to secure to every legal voter of this State hereafter, the free, independent and manful expression of his political convictions at the ballot box, and that said Committee for that purpose consider the following subjects :

First. Suitable provisions to secure at all elections to be held hereafter in this State, upright, impartial and independent judges of election, and to protect them in the performance of their duties, and to punish them for partiality or corruption.

Second. Suitable provisions to secure the independence at the ballot box of the laborers and employees of all corporations and associations operating in this State, and to protect them in the right of suffrage against all manner of control or restraint by such corporations or associations, or their agents, and to punish all such interference with the freedom of elections by the forfeiture of their charters and other means applicable to such corporations, associations and their agents ;

Which was adopted.

Mr. Mitchell submitted the following order :

Ordered, That it be entered on the Journal of this Convention that the Hon. Vivian Brent, a delegate from Charles county, is detained from his seat by pressing business ;

Which was adopted.

Mr. Gill submitted the following order:

Ordered, That there be printed on the Journal of this Convention a copy of the Act of Assembly under which this Convention has been held.

Mr. Hollyday moved to amend, by inserting that paragraph of the Governor's Message suggesting the calling of a **Convention** ;

Decided in the negative.

The question then recurring upon the order submitted by Mr. Gill,

It was adopted.

The following is the Act printed under the order submitted by Mr. Gill :

An Act to provide for taking the sense of the people of this State on the call of a Convention to frame a new Constitution and form of government, and for assembling the members thereof.

SEC. 1. Be it enacted by the General Assembly of Maryland, That on the second Wednesday of April next, at the same places where county and city elections are now by law held for the election of Delegates to the General Assembly, every person entitled to vote for Delegates to the General Assembly shall vote on the question of a call of a Convention to frame a new Constitution and form of government, with a clause therein prohibiting the Legislature from making any law providing for payment by this State for persons heretofore held as slaves, by expressing in writing or by printed form the words "For a Convention" or "Against a Convention," as the case may be, and in case there shall be any ballots without the designation so prescribed, the same shall not be counted for or against a Convention, but a separate return thereof shall be made by the Judges of Election.

SEC. 2. And be it enacted, That at the said election the registered voters of the State shall elect by ballot delegates to the said Convention, whose qualifications shall be the same as those now required for members of the House of Delegates, and each county and the city of Baltimore, shall be entitled to elect respectively the number of delegates to said Convention herein provided, namely: St. Mary's county, three delegates; Kent county, four delegates; Calvert county, three delegates; Charles county, three delegates; Baltimore county, seven delegates; Talbot county, four delegates; Somerset county, five delegates; Dorchester county, four delegates; Cecil county, five delegates; Prince George's county, four delegates; Queen Anne's county, four delegates; Worcester county, five delegates; Frederick county, seven delegates; Harford county, five delegates; Caroline county, four delegates; Baltimore city, twenty-one delegates; Montgomery county, four delegates; Allegany county, six delegates; Carroll county, six delegates; Howard county, four delegates; Anne Arundel county, four delegates; Washington county, six delegates; and it is hereby provided that the sheriff of the several counties and the sheriff of Baltimore city, shall give notice of the day above

designated for holding said election for a call of a Convention, and for members thereof, in the same manner and for the same time as required for notice of the election of members of the General Assembly.

SEC. 3. And be it enacted, That it shall be the duty of the several Judges of Election of this State to receive, accurately count and duly return the number of ballots so cast to the several clerks of the Circuit Courts of this State, and to the clerk of the Superior Court of Baltimore city, as the same are now required to be returned for the election of members to the House of Delegates; and the several clerks aforesaid shall return to the Governor within ten days after said election, the number of ballots cast for and against the call of a Convention, and the number of blank ballots, and the number of ballots cast for the several persons voted for as delegates to the said Convention.

SEC. 4. And be it enacted, That as soon as the Governor shall receive the return of the number of ballots cast at the said election for and against a Convention, and of the blank ballots cast, and of the ballots cast for delegates to said Convention, it shall be the duty of the Governor to count and cast up the same; and thereupon, if it appear to the Governor that more votes had been cast in favor of the call of a Convention than have been cast against the call of a Convention, it shall be the duty of the Governor to issue his proclamation declaring the persons having the majority in the several counties and in the city of Baltimore, respectively, to be elected to said Convention, and for the assembling of the members thereof, at the time and place to be hereinafter appointed.

SEC. 5. And be it enacted, That before any member elect or officer of this Convention shall enter upon his duties, he shall take the oath to discharge said duties in the form prescribed by law for members of the House of Delegates of this State, "*mutatis mutandis*," except the Speaker or President elect of said Convention, who shall take the same oath, in the presence of said Convention, before some Judge or Justice of the Peace of this State.

SEC. 6. And be it enacted, That in case a majority of the ballots cast for and against a Convention, shall be in favor of the call of a Convention, then the said Convention shall meet at the city of Annapolis, on the second Wednesday of May, eighteen hundred and sixty-seven, and shall continue in session from day to day until the duties for which the said Convention was called shall be fully discharged and a new Constitution and form of Government completely framed, and the said Convention shall have full power to decide upon the validity of the election and upon the requisite qualifica-

tions of its members ; and the compensation of the members shall be mileage and five dollars per day ; and the said Convention shall have full power to appoint such clerks and other officers as may be deemed necessary to facilitate the transaction of the business of the Convention, and to determine the compensation of the President and other officers ; and the President of said Convention is hereby authorized to order the payment of the compensation above provided for the members and officers thereof, and the Treasurer required to pay said compensation in conformity with said order.

SEC. 7. And be it enacted, That if any vacancy or vacancies occur by death, resignation or otherwise, in any delegation hereinbefore provided for, either before or after the qualification of the delegates to the said Convention, the sheriff of the county or the sheriff of the city of Baltimore, in whose delegation such vacancy may occur, shall, upon information thereof by the delegation in which such vacancy may occur, by the President of said Convention, or by the Governor of the State, give immediately public notice for a special election to be held at the usual place of holding election in said county or city, not less than five nor more than ten days after said notice for the purpose of supplying such vacancy.

SEC. 8. And be it enacted, That the Constitution and form of government adopted by said Convention shall be submitted to the legal and qualified voters of the State, for their adoption or rejection, at such time, in such manner, and subject to such rules and regulations as the said Convention may prescribe, and the provisions hereinbefore contained for the qualifications of voters and the holding of elections provided in the previous sections of this Act, shall be applicable to the election to be held under this section.

SEC. 9. And be it enacted, That in case of refusal or neglect of any Judge of Election, or of any Clerk of the Court, or of any sheriff of any county, or the Sheriff of Baltimore city, to make any of the returns, or to perform any of the duties required of them respectively, by the provisions of this Act, such judge, clerk or sheriff so refusing or neglecting, shall be liable to indictment for such offence, and upon conviction thereof shall be deemed guilty of a misdemeanor, and shall be sentenced to pay a fine of not less than one thousand dollars, and to imprisonment in the jail of the county or city where such offence may have been committed, for a term of not less than six months.

SEC. 10. And be it enacted, That no clergyman, minister of the gospel, preacher of any denomination, no Senator or Representative in Congress of the United States, nor any

Judge of the Circuit Court, of the Superior Court, Court of Common Pleas, or Criminal Court, no State's Attorney, no Auditor of the city of Baltimore, no Clerk of any Court, no Register of Wills, nor any Sheriff shall be eligible to said Convention.

SEC. 11. And be it enacted, That the Governor shall receive the returns of the number of votes cast in this State for the adoption or rejection of the Constitution submitted by the Convention to the people of this State as aforesaid, and upon counting and casting up the returns made to him, as hereinbefore described, if it shall appear that a majority of the votes cast at said election have been cast in favor of the adoption of the said Constitution, he shall issue his proclamation to the people of the State, declaring the fact, and shall take such measures as shall be required by said Constitution, to carry the same into effect, and to supercede the existing Constitution.

SEC. 12. And be it enacted, That in case of the death, resignation or omission of the Governor to issue the proclamation heretofore required by the fourth section of this Act, the President of the Senate, or in case of his death, resignation, removal or omission so to do, the Speaker of the House of Delegates shall issue the said proclamation; and in case of the death, refusal, omission or resignation of any one of the preceding officers, the Chief Justice of the Court of Appeals shall issue said proclamation, and the failure or omission to issue said proclamation shall not prevent the assembling of the Convention.

SEC. 13. And be it enacted, That this Act shall take effect from the day of its passage.

We certify that the foregoing is a true copy of an Act which passed the General Assembly of Maryland, two-thirds of all the members elected to each House voting in the affirmative, March 20th, 1867.

AUGUSTUS GASSAWAY,

Secretary of the Senate.

W. R. COLE,

Chief Clerk House of Delegates.

Mr. Farnandis submitted the following order :

Ordered, That a committee of five be appointed by the President to inquire and report to this Convention whether it is desirable that the debates of the Convention be reported and published; which,

On motion of Mr. Nicolai,

Was laid on the table.

Mr. Bateman submitted the following order :

Ordered, That the Clerk of the County Commissioners of the several counties of this State be requested to report at the earliest practicable day to this Convention the several amounts of money levied and paid to the Clerks of Circuit Courts in each year, from 1852 to 1866, inclusive ;

Which was adopted.

Mr. Devries submitted the following order :

Ordered, That the Committee on Agriculture be requested to take into consideration the subject of Public Roads, with a view, if practicable, to provide for the improvement thereof under a uniform system throughout the State ;

Which was adopted.

Mr. Roman submitted the following order :

Ordered, That the Commissioner of the Land Office be requested to furnish to this Convention a statement of the number of common warrants, special warrants, proclamation warrants, escheat warrants and warrants of re-survey issued by him in the years 1864, 1865 and 1866, and the number of caveats heard and determined by him, and the amount of the revenues and fees of said office during the same period, and paid by him into the Treasury of the State ;

Which was adopted.

Mr. Marbury submitted the following order :

Ordered, That the Clerk of the Court of Appeals of the State be requested to furnish to this Convention as promptly as practicable, a statement setting forth for each year since 1860 :

- 1st. The aggregate revenue of his office ;
- 2nd. The amount received from each source of revenue ;
- 3rd. The expenses of his office and upon what account incurred ;

Which was adopted.

Mr. Page submitted the following order :

Ordered, That the Committee on the Legislative Department be instructed to inquire as to the expediency of having annual instead of biennial sessions of the Legislature ;

Which was adopted.

Mr. Johnson submitted the following order :

Ordered, That each member of the Convention be furnished with a copy of the First Annual Report of the State Superintendent of Public Instruction, with the Reports of the Presidents of the Boards of School Commissioners, and statistical tables and other documents, showing the condition of the Public Schools in Maryland, provided the same does not require to be reprinted ;

Which was adopted.

Mr. McKaig submitted the following order :

Ordered, That the Clerk of the Court of Appeals be requested to send a statement to this Convention, showing,

1st. The number of cases tried in the Court of Appeals from the year 1840 to 1866, showing the number tried in each year separately ;

2nd. Showing the aggregate taxed costs in each year of the litigant parties ;

3rd. The number of cases affirmed and reversed in each of the years above named ;

Which was adopted.

The time having arrived for taking up the order of the day,

Being the order to proceed to the election by ballot of Reporter-in-Chief for the Proceedings and Debates of the Convention,

Pending its consideration,

Mr. Longwell moved to postpone the further consideration thereof until Friday next.

Mr. Ritchie moved to amend the proposition submitted by Mr. Longwell by postponing the order of the day until one o'clock this P. M.

The question recurring upon the motion submitted by Mr. Longwell,

It was decided in the affirmative, so

The order of the day was postponed until Friday next, 16th instant.

Mr. Garey submitted the following order :

Ordered, That the Committee on the Legislative Department consider and report upon a provision fixing a maximum rate as the basis of taxation, beyond the revenue from which, it shall not be lawful for the General Assembly to make any appropriation until the same shall have been submitted to the vote of the people at some general election ;

Which was adopted.

Mr. McKaig submitted the following order :

Ordered, That until further ordered, this Convention shall meet at 1 o'clock P. M., for the purpose of enabling the different committees to prepare and report on the different matters referred to them ;

Which was adopted.

Mr. Tarr, of Caroline, submitted the following order :

Ordered, That the Clerks of the County Commissioners in the various counties, report to this Convention at as early a day as practicable the amounts levied to the presidents and commissioners of public schools in the year 1866, and if the treasurers of the county school boards are paid by the county, also, the amount levied to them ;

Which was adopted.

On motion of Mr. Rider,

At 12½ o'clock, the Convention adjourned.

THURSDAY, May 16th, 1867.

The Convention met.

Prayer by the Rev. Mr. Burke.

Present at the call of the roll the following members :

Messrs. Carmichael, (President,) Perry, Spates, Walsh, Roman, Hoblitzell, McKaig, Howison, Hall, Kilbourn, Giddings, Rennolds, Barnes, George, Flaherty, Henderson, Gill, Brown, Ritchie, Garey, Dobbin, Pleasants, Brewer, of Baltimore city, Ferry, Peters, Franck, Merryman, Denson, Wilkinson, Buchanan, Wethered, Bell, Kennedy, Starr, Nicolai, Barry, Ireland, Hardcastle, Tarr, of Caroline, Hubbard, Watkins, of Caroline, Longwell, Galt, Bennett, Cover, Hayden, Chambers, Groome, McCornick, Cosgrove, Mitchell, Wallace, Goldsborough, of Dorchester, Austin, Hodson, Nelson, Dorsey, McPherson, Thomas, Johnson, Farnandis, Archer, Evans, Silver, Mackubin, Devries, Morris, Wickes, Ringgold, Massey, Janvier, Brewer, of Montgomery, Riggs of R., Duvall, Lee, Brooke, Marbury, Emack, Finley, Bradley, Ford, Dent, Jamison, Toadvine, Rider, Jones, Page,

Goldsborough, of Talbot, Hollyday, Bateman, Hammond, Syester, Alvey, Murray, Cunningham, Motter, Pole, Tarr, of Worcester, Franklin, Parker, McMaster, Covington—101.

The proceedings of yesterday were read and approved.

On motion of Mr. Kilbourn,

Leave was granted the Committee on Rules to sit during the sessions of the Convention.

Mr. Kilbourn submitted the following order :

Ordered. That the President of this Convention be authorized to appoint proper police for the rotunda during the session of the Convention :

And be it further ordered, That the President of this Convention be authorized to appoint a suitable person as Janitor of the Committee Rooms, whose duty it shall be to keep them in order, and to attend upon the Committees.

Mr. Bateman submitted the following amendment as a substitute :

Ordered, That the Hall-Keeper act as Policeman of the Rotunda, and the Lamplighter as Janitor of the Committee Rooms, in addition to their present duties ;

Which was rejected.

The question then recurring upon the order submitted by Mr. Kilbourn,

It was adopted.

Mr. McPherson submitted the following order:

Ordered, That it be entered on the Journal that Hon. Wm. P. Maulsby, of Frederick county, is detained from his seat by the occurrence of sickness in his family ;

Which was adopted.

Mr. Archer submitted the following order :

Ordered, That the President of this Convention be authorized to appoint an Assistant Postmaster.

Mr. Merryman moved to lay the order on the table.

Mr. Syester demanded the yeas and nays,

Decided in the affirmative.

The question recurring upon laying the order on the table,

The yeas and nays were called and appeared as follows:

AFFIRMATIVE.

Messrs.	Bell,	Devries,
Carmichael, P't.	Kennedy,	Morris,
Perry,	Hardcastle,	Brewer, Montg'y,
Hall,	Tarr, Caroline,	Riggs, of R.,
Flaherty,	Hubbard,	Lee,
Henderson,	Watkins, Caroline,	Brooke,
Gill,	Longwell,	Emack,
Brown,	Galt,	Ford,
Ritchie,	Bennett,	Goldsborough, T.,
Dobbin,	Cover,	Hollyday,
Pleasants,	Hayden,	Bateman,
Ferry,	Chambers,	Hammond,
Franck,	Howard,	Syester,
Merryman,	Groome,	Murray,
Wilkinson,	McCormick	Cunningham,
Buchanan,	Stoddert,	Motter,
Wethered,	Wallace,	Pole.—50.

NEGATIVE

Messrs.	Goldsborough, D.,	Massey,
Spates,	Austin,	Janvier,
Walsh,	Hodson,	Duvall,
Roman,	Nelson,	Marbury,
McKaig,	Dorsey,	Bradley,
Howison,	McPherson,	Dent,
Kilbourn,	Thomas,	Jamison,
Giddings,	Johnson,	Toadvine,
Rennolds,	Farnandis,	Rider,
Barnes,	Archer,	Horse, Somerset,
George,	Evans,	Jones,
Garey,	Silver,	Page,
Brewer, B. city,	Merrick,	Tarr, Worc'r,
Peters,	Mackubin,	Franklin,
Starr,	Finley,	Parker,
Nicolai,	Ireland,	McMaster,
Barry,	Wickes,	Parran, C. S.
Cosgrove,	Ringgold,	Covington—51.
Mitchell;		

So the motion to lay on the table was

Decided in the negative.

The question then recurring upon the adoption of the order,

It was adopted.

Under the above order, the President appointed Samuel Davis, of Annapolis, to be Janitor of the Committee Rooms ;

Thomas a Mitchell, of Annapolis, to be Keeper of the Rotunda ; John W. Patterson, of Allegany, to be Assistant Postmaster.

Mr. Merryman submitted the following order :

Ordered, That the President be requested to apportion the Committee Clerks among the several committees of this Convention ;

Which was rejected.

Mr. Walsh submitted the following order :

Ordered, That the Committee on Printing be instructed to direct the Printer to forward one copy of the Journal of Proceedings of this Convention to each newspaper published in the several counties of this State, and the city of Baltimore ;

Which was rejected.

Mr. Bateman submitted the following order :

Ordered, That the Printer be instructed to furnish to the Executive and Treasury Departments each with three copies of the Journal of this Convention ;

Which was adopted.

Mr. Garey submitted the following order :

Ordered, That the Committee on the Judiciary Department consider upon the propriety of the abolition of the Orphan's Court system of the State, and the substitution of a method better adapted to the transaction of testamentary business ;

Which was adopted.

Mr. Barry moved a reconsideration of the vote by which the order submitted by Mr. Walsh instructing the Printer to forward one copy of the Journal of Proceedings of the Convention to each newspaper of the State ;

Decided in the affirmative.

The question then recurring upon the adoption of the order,

It was adopted.

Mr. Merryman submitted the following order ;

Ordered, That the Superintendent of Public Instruction of this State be requested to report to this Convention the amount of money expended for books and stationery for the public schools of this State, and a schedule of the prices paid for the same, since the adoption of the present system, and

also, the names of the various parties to whom the money has been paid, with the respective sums received by them ;

Which was adopted.

Mr. Walsh submitted the following order :

Ordered, That the Committee on the Legislative Department, be requested to inquire whether the Legislature should not be prohibited from granting the right of appeal in cases previously adjudicated, where existing laws allow of no appeal, or the right of appeal was not availed of in the time limited by law, and whether a provision should not be inserted in the Constitution, providing that the rights of parties to civil suits shall not be changed or affected by any law passed during the pendency of such suits, except so far as such laws may affect the mode of proceeding in civil suits ;

Which was adopted.

Mr. Rider submitted the following order :

Ordered, That the Committee on the Elective Franchise, inquire into the expediency of incorporating in the Constitution, a provision providing for a uniform registration of voters within the State of Maryland, which shall be taken and held as the only evidence of the qualification of said voters at any election that may hereafter be held in the State ;

Which was adopted.

The President laid before the Convention the response of the Clerk of the Commissioners of Baltimore county, to an order of the Convention ;

Which was read, and,

On motion of Mr. Tarr, of Worcester,

Referred to the Committee upon the Judiciary Department.

Mr. Ford, Chairman of Select Committee, made the following report:

The Select Committee appointed to ascertain upon what terms the services of a competent Reporter for this Convention can be obtained, beg leave respectfully to report, that they have given the subject as full consideration as the very limited time allowed them would permit.

They have ascertained that the services of a competent Reporter can be obtained to report the debates of this body at two and a half dollars per page, containing the same amount of matter as the reports of the Convention of 1865.

All of which is respectfully submitted,

R. FORD,
JOS. P. MERRYMAN,
J. A. WICKES,
SAM. W. STARR,
H. A. SILVER.

Which was read and accepted,

On motion of Mr. Kilbourn,

Mr. Longwell submitted the following order :

Ordered, That the Committee on Printing ascertain the probable expense of printing the Debates of the Convention, and report at 11 o'clock to-morrow ;

Which was rejected.

Mr. Barry moved to reconsider the vote by which the Convention decided to postpone the order of the day, being the order to proceed to the election, by ballot, of Reporter-in-Chief for the proceedings and debates of the Convention, until Friday next ;

Decided in the affirmative.

The question then recurring upon the order of the day,

Mr. Nicolai submitted the following order :

Ordered, That we now proceed to elect a Reporter to the Convention by ballot, and that the Committee on Printing be authorized to contract with the party selected, at a cost of \$2.50 per page for the Debates ;

Pending the consideration of which,

Mr. Hammond submitted the following order as a substitute :

Resolved by this Convention, that the services of a Reporter be dispensed with.

Pending the consideration of which,

On motion of Mr. Mitchell,

The Convention at 3¼ o'clock, adjourned.

FRIDAY, May 17,

The Convention met.

Prayer by Rev. Mr. Henderson.

Present at the call of the roll the following members :

Messrs. Carmichael, (President,) Perry, Spates, Walsh, Roman, Hoblitzell, McKaig, Howison, Hall, Kilbourn, Gid-

dings, Rennolds, Whitman, Barnes, George Vansant, Flaherty, Henderson, Gill, Brown, Carter, Ritchie, Garey, Dobbin, Pleasants, Brewer, of Baltimore city, Ferry, Peters, Franck, Merryman, Denson, Wilkinson, Buchanan, Wethered, Bell, Kennedy, Starr, Nicolai, Barry, Ireland, Hardcastle, Tarr, of Carolina, Hubbard, Watkins, of Caroline, Longwell, Galt, Bennett, Cover, Hayden, Chambers, Howard, Groome, McCormick, Cosgrove, Mitchell, Stoddart, Wallace, Goldsborough, of Dorchester, Austin, Hodson, Horsey, of Frederick, McPherson, Thomas, Johnson, Fernandis, Archer, Evans, Rodgers, Silver, Mackubin, Devries, Morris, Wickes, Ringgold, Massey, Janvier, Brewer, of Montgomery, Riggs, of R., Duvall, Lee, Brooke, Marbury, Emack, Finley, Bradley, Ford, Dent, Jamison, Toadvine, Rider, Horsey, of Somerset, Jones, Page, Goldsborough, of Talbot, Hollyday, Bateman, Hammond, Syester, Alvey, Murray, Cunningham, Motter, Pole, Tarr, of Worcester, Parker, McMaster—105.

The proceedings of yesterday were read and approved.

The Convention took up for consideration the unfinished business of yesterday, being the order of the day, viz. :

To proceed to the election by ballot of Reporter-in-Chief for the Proceedings and Debates of the Convention ;

Pending which,

On motion of Mr. Jones,

The further consideration of the order of the day was postponed for fifteen minutes.

Mr. Syester submitted the following order :

Ordered, That two additional persons be employed to assist in the folding department, to be appointed by the President,

Pending the consideration of which,

Mr. Horsey, of Frederick, submitted the following order, as a substitute :

Ordered, That the Committee on Claims be requested to fix the per diem and mileage of the President, members and officers of the Convention, and to enquire what, if any, additional officers may be necessary for the convenience of the Convention and the dispatch of its business, and report also at an early day as possible ;

Mr. Starr submitted the following order as a substitute :

Ordered, That a committee of one member from each county, and one from each legislative district of Baltimore city, be appointed by the President to arrange the subject of mileage, and report for the action of the Convention.

Which was rejected.

The question then recurring upon the order submitted by Mr. Horsey,

It was adopted.

Mr. Jones submitted the following order :

Ordered, That a committee of seven members be appointed by the president to examine the returns of the Clerks of the several Courts of this State, made to the Governor, of the election of members to this Convention, and to report upon the and qualifications of said members ;

Which was adopted.

Mr. George submitted the following order .

Ordered, That the Committee on Legislative Proceedings enquire into the expediency of requiring such laws as may provide graduating charges (as a source of revenue to the State,) for all acts of incorporation hereafter granted.

Pending the consideration of which,

Mr. Motter submitted the following order as a substitute :

Ordered, That the Committee upon the Legislative Department be requested to take into consideration the propriety of engrafting a provision in the Constitution, requiring the Legislature, in all cases, upon passing private laws for the benefit of individuals or corporations, other than those of a municipal character, to require the person or persons, or corporations to be benefitted by such private laws, to pay to the State such a sum at least as will be sufficient to defray the expense of publishing the same among the statute laws of the State ;

Which was adopted.

Mr. Silver submitted the following order :

Ordered, That the Committee upon the Executive Department, enquire into and report upon the expediency of abolishing the office of Lieutenant Governor ;

Which was adopted.

Mr. Hall submitted the following order :

Ordered, That the Committee on Accounts, be authorized to pay to George W. Moore the amount which may appear to be due him for services rendered this Convention, in hoisting the flag on the dome of the State House, during the period of its organization ;

Which was rejected.

Mr. Jones, Chairman of the Committee to consider and report upon the Declaration of Rights, made the following report:

THE DECLARATION OF RIGHTS.

We, the people of the State of Maryland, grateful to Almighty God for our civil and religious liberty, and taking into our serious consideration the best means of establishing a good Constitution in this State for the sure foundation and permanent security thereof, declare:

ARTICLE 1. That all government of right originates from the people, is founded in compact only, and instituted solely for the good of the whole, and they have at all times, the inalienable right to alter, reform, or abolish their form of government, in such manner as they may deem expedient.

Art. 2. The Constitution of the United States and the laws made, or which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States are and shall be the supreme law of the State; and the Judges of this State, and all the people of this State are and shall be bound thereby, anything in the Constitution or law of this State to the contrary notwithstanding.

Art. 3. The powers not delegated to the United States by the Constitution thereof nor prohibited by it to the State, are reserved to the States respectively, or to the people thereof.

Art. 4. That the people of this State ought to have the sole and exclusive right of regulating the internal government and police thereof.

Art. 5. That the inhabitants of Maryland are entitled to the common law of England, and the trial by jury according to the course of that law, and to the benefit of such of the English statutes as existed on the fourth day of July, seventeen hundred and seventy-six, and which by experience have been found applicable to their local and other circumstances, and have been introduced, used and practiced by the courts of law or equity, and also all Acts of Assembly in force on the first day of June, eighteen hundred and sixty-seven, except such as may have since expired or may be inconsistent with the provisions of this Constitution, subject, nevertheless, to the revision of and amendment or repeal by the Legislature of this State; and the inhabitants of Maryland are also entitled to all property derived to them from or under the charter granted by his Majesty Charles the First, to Cæcilius Calvert, Baron of Baltimore.

Art. 6. That all persons invested with the Legislative or Executive powers of Government are the trustees of the public and as such accountable for their conduct; *wherefore,*

whenever the ends of government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the people may, and of right ought to reform the old or establish a new government, the doctrine of non-resistance against arbitrary power and oppression is absurd, slavish and destructive of the good and happiness of mankind.

Art. 7. That the right of the people to participate in the Legislature is the best security of liberty, and the foundation of all free government; for this purpose elections ought to be free and frequent; and every white male citizen having the qualifications prescribed by the Constitution, ought to have the right of suffrage.

Art. 8. That the Legislative, Executive and Judicial powers of government ought to be forever separate and distinct from each other; and no person exercising the functions of one of said departments, shall assume or discharge the duties of any other.

Art. 9. That no power of suspending laws or the execution of laws, unless by, or derived from the Legislature ought to be exercised or allowed.

Art. 10. That freedom of speech and debate or proceedings in the Legislature, ought not to be impeached in any court of judicature.

Art. 11. That Annapolis be the place of meeting of the Legislature, and the Legislature ought not to be convened or held at any other place but from evident necessity.

Art. 12. That for redress of grievances and for amending and strengthening and preserving the laws, the Legislature ought to be frequently convened.

Art. 13. That every man hath a right to petition the Legislature for the redress of grievances in a peaceable and orderly manner.

Art. 14. That no aid, charge, tax, burthen or fees, ought to be rated or levied under any pretence without the consent of the Legislature.

Art. 15. That the levying of taxes by poll is grievous and oppressive and ought to be prohibited; that paupers ought not to be assessed for the support of the Government, but every other person in the State, or person holding property therein, ought to contribute his proportion of public taxes for the support of the government according to his actual worth in real or personal property; yet fines, duties, or taxes may properly and justly be imposed or laid with a political view for the good government and benefit of the community.

Art. 16. That sanguinary laws ought to be avoided as far as it is consistant with the safety of the State, and no law to inflict cruel and unusual pains and penalties ought to be made in any case or at any time hereafter.

Art. 17. That retrospective laws punishing acts committed before the existence of such laws and by them only declared criminal, are oppressive, unjust and incompatible with liberty, wherefore no *ex post facto* law ought to be made.

Art. 18. That no law to attaint particular persons of treason or felony ought to be made in any case or at any time hereafter.

Art. 19. That every man for any injury done to him in his person or property ought to have remedy by the course of the law of the land and ought to have justice and right, freely without sale, fully without any denial and speedily without delay, according to the law of the land.

Art. 20. That the trial of facts where they arise is one of the greatest securities of the lives, liberties and estate of the people.

Art. 21. That in all criminal prosecutions every man hath a right to be informed of the accusation against him ; to have a copy of the indictment or charge in due time, if required to prepare for his defence, to be allowed counsel, to be confronted with the witnesses against him, to have process for his witnesses, to examine the witnesses for and against him on oath and to a speedy trial by an impartial jury without whose unanimous consent he ought not to be found guilty.

Art. 22. That no man ought to be compelled to give evidence against himself in a criminal case.

Art. 23. That no man ought to be taken, or imprisoned, or disseized of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner destroyed or deprived of his life, liberty or property, but by the judgment of his peers or by the law of the land.

Art. 24. Slavery shall not be permitted in this State.

Art. 25. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel or unusal punishment inflicted by the courts of law.

Art. 26. That all warrants without oath or affirmation, to search suspected places, or to seize any person or property, are grievous and oppressive; and all general warrants to search suspected places or to apprehend suspected persons without naming or describing the place or the person in special are illegal and ought not to be granted.

Art. 27. That no conviction shall work corruption of blood or forfeiture of estate.

Art. 28. That a well regulated militia is the proper and natural defence of a free government.

Art. 29. That standing armies are dangerous to liberty, and ought not to be raised or kept up without the consent of the Legislature.

Art. 30. That in all cases and at all times the military ought to be under strict subordination to, and control of the civil power.

Art. 31. That no soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war, except in the manner prescribed by law.

Art. 32. That no person except regular soldiers, marines, and mariners in the service of this State or militia when in actual service ought, in any case, be subject to or punishable by martial law.

Art. 33. That the independency and uprightness of judges are essential to the impartial administration of justice and a great security to the rights and liberties of the people ; wherefore, the judges shall not be removed except for misbehavior on conviction in a court of law or by the Governor, upon the address of the General Assembly ; *provided*, that two-thirds of all the members of each House concur in such address. No judge shall hold any other office civil, or military, or political trust or employment of any kind whatsoever, under the Constitution or laws of this State or of the United States, or any of them, or receive fees or perquisites of any kind for the discharge of his official duties.

Art. 34. That a long continuance in the Executive departments of power or trust is dangerous to liberty ; a rotation, therefore, in those departments is one of the best securities of permanent freedom.

Art. 35. That no person ought to hold at the same time more than one office of profit created by the Constitution or laws of this State; nor ought any person in public trust to receive any present from any foreign Prince or State or from the the United States or any of them, without the approbation of this State.

Art. 36. That as it is the duty of every man to worship God in such manner as he thinks most acceptable to Him ; all persons are equally entitled to protection in their religious liberty; wherefore, no person ought by any law to be molested in his person or estate on account of his religious persuasion or profession or for his religious practice, unless

under the color of religion any man shall disturb the good order, peace or safety of the State, or shall infringe the laws of morality, or injure others in their natural, civil or religious rights ; nor ought any person to be compelled to frequent or maintain or contribute, unless on contract, to maintain any place of worship or any ministry ; nor shall any person be deemed incompetent as a witness or juror who believes in the existence of God, and that under his dispensation such person will be held morally accountable for his acts and be rewarded or punished therefor, either in this world or the world to come, nor shall any person be deemed incompetent as a witness on account of race or color.

Art. 37. That no other test or qualification ought to be required on admission to any office of trust or profit than such oath of office and qualification as may be prescribed by this Constitution or by the laws of the State and a declaration of belief in the Christian religion or in the existence of God and in a future state of rewards and punishments.

Art. 38. That every gift, sale or devise of land, to any minister, public teacher or preacher of the gospel, as such, or to any religious sect, order or denomination, or to or for the support, use, or benefit of, or in trust for any minister, public teacher or preacher of the gospel as such, or any religious sect, order or denomination, and every gift or sale of goods or chattels to go in succession or to take place after the death of the seller or donor, to or for such support, use or benefit ; and, also every devise of goods or chattels to, or for the support, use or benefit of any minister, public teacher or preacher of the gospel, as such, or any religious sect, order or denomination without the prior or subsequent sanction of the Legislature, shall be void ; except always, any sale, gift, lease or devise of any quantity of land not exceeding five acres, for a church, meeting-house or other house of worship, or parsonage, or for burying ground, which shall be improved, enjoyed or used only for such purpose ; or such sale, gift, lease or devise shall be void.

Art. 39. That the manner of administering an oath or affirmation to any person ought to be such as those of the religious persuasion, profession or denomination of which he is a member generally esteem the most effectual confirmation by the attestation of the Divine Being.

Art. 40. That the liberty of the press ought to be inviolably preserved ; that every citizen of the State ought to be allowed to speak, write and publish his sentiments on all subjects, being responsible for the abuse of that privilege.

Art. 41. That monopolies are odious, contrary to the spirit

of a free government and the principles of commerce, and ought not to be suffered.

Art. 42. That no title of nobility or hereditary honors ought to be granted in this State.

Art. 43. That the Legislature ought to encourage the diffusion of knowledge and virtue, the extension of a judicious system of general education, the promotion of literature, the arts, sciences, agriculture, commerce and manufactures and the general melioration of the condition of the people.

Art. 44. That the provisions of the Constitution of the United States and of this State, apply as well in time of war as in time of peace, and any departure therefrom or violation thereof under the plea of necessity or any other plea, is subversive of good government, and tends to anarchy and despotism.

Art. 45. This enumeration of rights shall not be construed to impair or deny others retained by the people,

Which was read the first time.

Mr. Jones moved that the report be printed and made the order of the day for Wednesday next at one o'clock, P. M.

Pending the consideration of which,

Mr. Dent moved that the report be recommitted.

Decided in the negative.

The question then recurring upon the motion of Mr. Jones, it was decided in the affirmative.

So the report was ordered to be printed, and made the order of the day for Wednesday next, 22d inst., at 1 o'clock.

Mr. Hall submitted the following order :

Ordered, that the Committee on the Appointment, Tenure of Office, &c., be requested to take into their consideration the expediency of altering or abolishing that part of the Constitution of 1864, requiring all civil officers to enter upon the discharge of their duties on the first day of May, so far as relates to Inspectors of Tobacco, hereafter to be appointed, and insert in lieu thereof the first day of March, in each and every year after ;

Which was adopted.

Mr. Kilbourn, chairman of the Committee on Rules, made the following

REPORT.

The Committee appointed to prepare Rules for the Convention beg leave respectfully to make the following report :

CONVENTION.

Rule 1.—The Convention shall not sit with closed doors,

and in no case shall the Hall, where it may be holding its sittings be cleared of spectators, except in cases of disorder.

THE DUTIES OF THE PRESIDENT.

Rule 2.—The President shall take the chair every day precisely at the hour to which the Convention stands adjourned ; shall immediately call the members to order, and after Divine service has been performed, on the appearance of a quorum, shall cause the Journal of the preceeding day to be read.

Rule 3.—The President shall preserve decorum and order ; may speak to points of order in preference to other members ; shall decide questions of order, (unless the yeas and nays be required,) subject to an appeal to the House by any two members, (in which appeal no member shall speak more than once, unless by leave of the Convention,) and he may vote on every question, except on an appeal from the decision of the Chair on a question of order.

Rule 4.—The President shall examine and correct the Journal before it is read ; he shall have a general direction of the Hall ; he shall have a right to name, from time to time, any member to perform the duties of the chair, but such substitution shall not extend beyond a term of seven days ; he shall appoint all committees, unless otherwise directed by the Convention.

Rule 5.—No person shall be admitted within the bar of the Convention but members of the Executive and Judiciary Departments, members of the General Assembly, and such other persons as may be invited by the President.

Rule 6.—The President, (or Chairman of the Committee on the Whole,) may order the lobby to be cleared in case of disorder.

ORDER OF BUSINESS.

Rule 7.—Section 1.—The Secretary shall read the Journal of the preceding day ; after the reading thereof, the Journal may be corrected, unless one member objects. In case of such objection, a majority of the members present shall be required to make the desired correction.

Section 2.—The presentation and disposition of petitions, memorials, or other papers.

Section 3.—Orders and Resolutions.

Section 4.—Reports of Standing Committees.

Section 5.—Reports of Select Committees.

Section 6.—Reports of Committees on their second reading.

Section 7.—Reports of Committees on their third reading.

Section 8.—Deferred or Unfinished Business.

Section 9.—The Order of the Day.

PETITIONS, MEMORIALS, ORDERS AND RESOLUTIONS.

Rule 8.—Petitions, Memorials, Orders, Resolutions and other papers, when presented, must be endorsed with the name of the member by whom they are presented.

Rule 9.—All orders submitted to the Convention (after being read) may be acted upon immediately, postponed or otherwise disposed of, as a majority of the members present may direct.

Rule 10.—Any subject matter before the Convention awaiting consideration may, on motion (if a majority of the Convention so determine,) be fixed as the order of the day at such time as may be directed under the provisions of these Rules.

Rule 11.—All orders, resolutions and reports, or other matter, after being submitted to the Convention, (when not fixed for a day certain) shall be rated under the head of “deferred or unfinished business,” and shall come up for consideration in the order of time in which they were presented.

ORDER OF THE DAY.

Rule 12.—The order of the day shall not be so fixed in point of time as to exclude the business of the Convention in the order and the divisions prescribed under these rules, but shall be fixed so that one hour, at least, from the time of the meeting of the Convention shall precede it for the transaction of other business. When the time arrives for the order of the day to be taken up, it shall have preference over all other business except the unfinished business in which the Convention was engaged at the preceding adjournment, under a previous assignment as the order of the day.

Rule 13.—Every subject matter proposed to be considered in the Convention shall be introduced by motion for leave, by an order of the Convention, or on the report of a committee, and in either of the two cases first mentioned, a committee to prepare the same shall be appointed, unless the same subject matter is embraced in the duties assigned to one or more of the standing committees.

Rule 14.—Every committee reporting any conventional business for the consideration of the Convention embracing

provisions for the Constitution shall submit its reports (whether a majority or minority report) in articles without assigning reasons and arguments sustaining the same.

Rule 15.—Every report from a committee, containing articles or sections proposed to be made a part of the Constitution shall receive three readings in the Convention, on three different days of the session previous to its adoption, unless two-thirds of the members elected to the Convention otherwise determine; the first of which readings shall be by the title only, unless a majority of the Convention shall otherwise order.

Rule 16.—Every resolution shall be read on two several days, with an intermission of one day at least, during which time it shall be on the table for the perusal of members, unless on very urgent occasions, the Convention by special order, two-thirds of the members present agreeing, dispense with the rule, which order shall be entered on the Journal.

Rule 17.—Calls of the Convention shall be made if required, by fifteen members at any time when a subject is under consideration.

Rule 18.—All resolutions which have been once read, and are entitled to a second reading, and all reports which have been once or twice read, and are entitled to a second or third reading by the rules of the Convention, shall be arranged every morning agreeably to seniority by the Secretary, placed on the President's desk, taken up by him in due order, the date of their last reading announced, and read a second or third time, although no motion for a second or third reading may have been made.

Rule 19.—All reports from committees containing clauses proposed to be made part of the Constitution, shall be entered on the Journal, and also printed in form similar to bills.

COMMITTEE OF THE WHOLE.

Rule 20.—The Convention shall be resolved into a standing committee of the whole, if required by nine members, which committee may originate articles or clauses to be embodied in the Constitution.

Reports of committees containing clauses proposed to be embodied in the Constitution on their third reading and resolutions on their second reading shall, if required by seven members, be committed to a Committee of the Whole.

Rule 21.—In forming a Committee of the Whole, the President of the Convention shall leave his chair, and a chairman to preside in committee shall be appointed by the President.

Rule 22.—Upon reports of committees, resolutions or other matters committed to a Committee of the Whole, the same shall be first read throughout by the Secretary, and then again read and considered by clauses. The body of the report, resolution or other matter shall not be defaced or interlined, but all amendments, noting the page and line, shall be duly entered by the Secretary on separate paper, as the same shall be agreed to by the committee, and so reported to the Convention. After report, the report, resolution or other matter shall again be subject to be debated and amended by clauses.

Rule 23.—The Secretary shall keep a Journal of the Proceedings which take place in Committee of the Whole, and the same shall be printed separately and appended after the Journal of the Proceedings of the day's session.

OF DECORUM, DEBATE, &c.

Rule 24.—Every member shall take his seat when the President takes the chair.

Rule 25.—No member shall absent himself from the service of the Convention unless he have leave, or be sick, or unable to attend.

Rule 26.—When a member is about to speak in debate, or deliver any matter to the Convention, he shall rise from his seat, uncovered, and respectfully address himself to "Mr. President." He shall confine himself to the question under debate; shall avoid personality, and shall use some other distinction than the proper name of any other member to whom he may refer in debate.

Rule 27.—If two or more members shall rise to speak at the same time, the President shall determine which shall speak first, and no member shall speak more than twice on the same question, nor more than once, until every member choosing to speak shall have spoken.

Rule 28.—If any member shall, in any manner, transgress the Rules of the Convention, the President shall, or any member may, call him to order; in which case, the member so called to order shall immediately sit down, unless permitted to explain; and the Convention shall, if appealed to, decide on the case, but without debate. If there be no appeal; the decision of the Chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, he shall not be permitted to proceed without leave of the Convention, and, if the case require it, he shall be liable to the censure of the Convention.

Rule 29.—No member shall vote on any question in any case where he was not present when the vote was taken without leave of the Convention ; and upon a division and count of the Convention on any question, no member without the bar shall be counted.

Rule 30.—Every member who shall be in the Convention when the question is put shall give his vote, unless the Convention, for special reasons, shall excuse him ; and the refusal of any member present to vote, on calling the yeas and nays, shall be noted on the Journal at the request of any member.

Rule 31.—No member, without the permission of the Convention, shall answer on the yeas and nays who did not divide on the question ; and if any member divide on one side and answer on the other on calling the yeas and nays, the same shall be noted on the Journal at the request of any member.

Rule 32.—No member shall take out of the Convention any paper belonging to the Convention without leave of the President.

Rule 33.—Any member, on motion, or in debate, may call for the reading of any law, journal, record, or other public proceedings, which may relate to the subject matter.

Rule 34.—The name of every member making a motion, presenting any petition, memorial or other paper, proposing any resolution, order or other matter, shall be inserted on the Journal ; but if any motion or proposition be withdrawn, all proceedings relating immediately thereto shall be expunged from the Journal.

Rule 35.—While the President is putting any question or addressing the Convention, none shall walk out or cross the Hall ; nor, in such case, or while a member is speaking, shall hold private discourse, so as to interrupt debate.

Rule 36.—When a motion is made and seconded, it shall be stated by the President ; or, being in writing, it shall be handed to the chair and read aloud by the Secretary before debate ; and every motion shall be reduced to writing if the President or any member require it.

Rule 37.—When a motion is made and seconded, or when a question is under debate, the matter shall receive a determination by the question ; or it may be postponed by a motion to adjourn, to lie on the table, for the previous question, to postpone to a day certain, to commit or amend, to postpone indefinitely, which several motions shall have precedence in the order in which they are arranged.

Rule 38.—On a motion for the previous question, on a motion for the main question, on a motion to lie on the table, on a motion to adjourn, there shall be no debate.

Rule 39.—Every question shall be entered on the Journal, and the yeas and nays shall be taken when required by five members; and whenever the yeas and nays are ordered to be taken, no question of adjournment shall be received or propounded by the President until the yeas and nays are called, counted and reported.

Rule 40.—Any member may call for the division of a question, which shall be divided, if it comprehend propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Convention.

Rule 41.—A motion to strike out and insert shall be deemed indivisible; but the matter proposed to be inserted maybe divided, if required, according to the 40th Rule. A motion to strike out being lost, shall preclude neither amendment nor a motion to strike out or insert. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

Rule 42.—All questions, except on the final passage of a report, or a motion to suspend the Rules, or those otherwise herein provided for, shall be determined by a majority of the members present; those dividing in the affirmative rising in their places, those in the negative continuing in their seats, and so *vice versa*, until a decision by the President.

Rule 43.—The question on the final passage of any subject matter shall always be determined by yeas and nays, which shall be recorded on the Journal; and unless it shall thus appear that a majority of the whole number of members elected to the Convention have voted in the affirmative, the subject matter voted on shall be declared rejected.

Rule 44.—When a question has once been decided in the affirmative or negative, a motion for reconsideration shall be in order, at any time thereafter, if made by one member and seconded by two others who voted in the majority; but should a report, on its final passage be declared rejected for the want of a majority of the members elected, the motion for reconsideration may be made by one member and seconded by two others who voted in either the affirmative or negative; and no motion for reconsideration shall be postponed or laid on the table.

Rule 45.—Petitions, memorials and other papers addressed to the Convention, shall be presented by the President; or by a member in his place; and the object of all petitions and

memorials shall be endorsed on the back, and entered on the Journal.

Rule 46.—The unfinished business in which the Convention was engaged at the preceding adjournment, shall have the preference in the orders of the day; and no motion or any other business shall be received without the special leave of the Convention, until the former is disposed of.

Rule 47.—The Rules of Parliamentary Practice shall govern the Convention in all cases to which they are applicable, and in which they are not inconsistent with the standing Rules and Orders of the Convention.

Rule 48.—Upon calls of the Convention, or in taking the yeas and nays on any question, the names of the members shall be called alphabetically.

Rule 49.—The standing rules of the Convention shall not be suspended except by a vote of at least two-thirds of the members present.

Rule 50.—Any fifteen members, (including the President) shall be authorized to compel the attendance of the members.

Rule 51.—No committee shall sit during the sitting of the Convention without special leave.

Rule 52.—When a blank is not filled up, and different sums, numbers or terms shall be proposed, the question shall be taken on the largest sum or number, and on the longest time.

Rule 53.—After a report of any committee, embodying proposed provisions for the Constitution has passed through its second reading, the question shall then be put by the President of the Convention, "shall this report be engrossed for a third reading?" After any report of a committee has passed to a third reading, it shall not be in order to amend the same, except by the consent of the majority of the members elected to the Convention.

PREVIOUS QUESTIONS.

Rule 54.—There shall be a "main question," and a "previous question," in the consideration of reports of committees.

Section 1st.—The main question on the report of any committee, shall only be called after the said report has passed to its third reading, and shall be in this form, "shall the main question be now put?" and when demanded by a majority of the members present, it shall, until it is decided, preclude all further amendment and debate on the main question.

Section 2.—The previous question shall be in this form, “Shall the previous question be now put?” It may be called on any amendment offered to the report of any committee, when the same is on its second reading, and when demanded by a majority of the members present, it shall, until it is decided, preclude all further amendment and debate on the question before the Convention; but shall not preclude further amendments, while the said report is on its second reading.

Section 3.—The rules of parliamentary practice, on the call of the previous question on all other subjects, shall govern the Convention.

Rule 55.—No standing rule or order shall be rescinded or changed without one day’s notice being given of the motion therefor.

GENERAL RULES.

The rules defining the several duties of the Secretaries, Clerks, and employees of the Convention.

1st.—All clerks, officers and employees, shall be prompt in their attendance at each opening of the Convention, and shall remain at their several posts during the entire sitting of the Convention, ready to render any service in accordance with their several duties.

2d.—No clerk, officer or employee, shall be absent at any time during the sittings of the Convention, unless by permission of the President, nor absent himself from the service of the Convention, unless by permission asked (in writing) and obtained from the Convention during its sitting.

3d.—Upon proper information and just complaint, the President is authorized to suspend any clerk, officer or employee, and shall report the fact to the Convention at its then or next sitting.

THE SECRETARY

Shall keep a correct record of the proceedings and the business of the Convention, and shall have the same printed in Journal form.

Shall (under rule 4th) submit a proof copy of the same to the President for examination and correction.

Shall (under rule 2d) read to the Convention, the Journal of Proceedings.

Shall (under rule 18th) arrange every morning, all resolutions which have been read once and are entitled to a second reading, all reports and other matter which have been read once or twice, and are entitled to a second or third reading, and place the same agreeably to seniority, on the President's table.

Shall certify and endorse with the date all orders, resolutions, reports, or matter which has passed the Convention.

THE ASSISTANT SECRETARY

Shall call the roll each day at the opening of the Convention, read all orders, resolutions, reports and other matter when handed him by the President.

THE SERGEANT-AT-ARMS

Shall attend the Convention during its sittings, to aid in the enforcement of order under the discretion of the President, to execute the commands of the Convention from time to time, together with all such process issued by authority thereof, as shall be directed by the President.

The symbol of his office (the mace) shall be borne by him when in the execution of his office.

THE COMMITTEE CLERKS

Shall copy for the members all manuscripts handed them, in proper form, writing the same in a plain, round hand, each line of each section to be numbered, and each line to contain, say thirteen words.

THE PAGES

Shall each morning, lay upon the desk of the several members, a copy of the printed Journal, and all other printed matter ordered by the Convention.

Shall wait upon the members in any matter directly connected with the Convention.

THE DOORKEEPERS

Shall close the doors leading into the hall so soon as the Chaplain commences prayer, and shall prevent conversation, walking, or any interruption whatever outside the bar of the Convention during religious services.

Shall close and keep closed, both doors of the bar of the Convention, and take and keep position directly thereat, allow-

ing no person to pass, unless in strict conformity to the fifth rule, viz. :

No person shall be admitted within the bar of the Convention, but members of the Executive and Judiciary Departments, members of the General Assembly and such other persons as may be invited by the President.

Shall prevent any abuse of property in the lobbies.

Shall keep the aisles outside the bar of the Convention clear, so that the ingress and egress of members shall no the interrupted.

Shall give full attention to the comfort and seating in the lobbies of all visitors.

THE POSTMASTER

Shall, on the arrival of the mails, promptly deliver to the members all mail matter addressed to them, and shall collect from their desks all matter prepared for mailing.

THE HALL KEEPER

Shall enforce proper decorum and order in the rotunda, and shall exercise such supervision over the Hall as to render it comfortable and cleanly.

E. G. KILBOURN,
JOHN F. DENT,
ISAAC D. JONES,
THOMAS PERRY,
JAS. R. HOWISON,
JNO. B. BROOKE.

Which, on motion of Mr. Kilbourn,

Was made the order of the day for Thursday next, 23d instant.

On motion, by Mr. Brooke,

One hundred and fifty copies were ordered to be printed.

The President laid before the Convention the report of the Clerk of the Commissioners of Cecil county in response to an order of the Convention ;

Which was read and referred to the Committee upon the Judiciary Department.

The Convention then resumed the consideration of the order of the day,

Pending which,

Mr. Archer, moved to reconsider the vote by which the Convention adopted the order to proceed to the election by ballot of a Reporter-in-Chief for the Proceedings and Debates of the Convention ;

Decided in the affirmative.

Mr. Archer, submitted the following order :

Ordered, That the services of a Reporter-in-chief for the Proceedings and Debates in this Convention be dispensed with ;

Pending the consideration of which,

Mr. Denson moved the previous question.

The question then being,

“Shall the main question be now put?”

It was decided in the affirmative.

The question then recurring upon the adoption of the order submitted by Mr. Archer,

Mr. Groome demanded the yeas and nays;

Decided in the affirmative.

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

Messrs.		
Carmichael, P't,	Bennet,	Ringgold,
Perry,	Cover,	Massey,
Spates,	Chambers,	Janvier,
Roman,	Howard,	Brewer, Mont.,
Hoblitzell,	Groome,	Riggs, of R.,
Howison,	McCormick,	Duvall,
Hall,	Cosgrove,	Lee,
Kilbourn,	Mitchell,	Brooke,
Giddings,	Stoddert,	Emack,
Whitman,	Wallace,	Finley,
Vansant,	Goldsborough, D.	Rider,
Gill,	Austin,	Horse, of Som.,
Brown,	Dorsey,	Goldsborough, T.
Carter,	Horse, of Fred.	Hollyday,
Dobbin,	Thomas,	Bateman,
Pleasant,	Johnson,	Hammond,
Buchanan,	Fernandis,	Syester,
Bell,	Archer,	Murray,
Kennedy,	Evans,	Cunningham,
Hardcastle,	Silver,	Motter,
Watkins, of Car.	Mackubin,	Pole,
Longwell,	Devries,	Parker,
Galt,	Wickes,	McMaster—69.

NEGATIVE.

Messrs.	Peters,	Hodson,
Walsh,	Franck,	McPherson,
McKaig,	Merryman,	Morris,
Reynolds,	Denson,	Marbury,
Barnes,	Wilkinson,	Bradley,
George,	Wethered,	Ford,
Flaherty,	Starr,	Dent,
Henderson,	Nicolai,	Jamison,
Ritchie,	Barry,	Jones,
Garey,	Tarr, Caroline,	Page,
Brewer, of B. city	Hubbard,	Alvey,
Ferry,	Hayden,	Tarr, of W.—35.

So the order submitted by Mr. Archer, was adopted.

Mr. Wickes submitted the following order :

Ordered, That the Committee on Printing, ascertain and report to this Convention, on Tuesday next, at 1 o'clock, P. M., whether Mr. Geo. Colton, with whom the contract for printing the Journal of Proceedings and Debates of the Convention was made by the Comptroller of the State, is willing to print at the prices named in said contract, such portion of the Proceedings as may be ordered by the Convention, and if not, on what terms he will print such matter as may be ordered thereby ;

Pending the consideration of which,

Mr. Gill submitted the following order as a substitute :

Ordered, That the Committee on Printing, examine the contract made by the Comptroller of this State for printing the Journal and Proceedings of this Convention, and report what change, if any, should be made and can be made with the consent of the printer of the said Proceedings ;

Which was rejected.

The question then recurring upon the order submitted by Mr. Wickes,

Mr. Motter submitted the following amendment ;

And if Mr. Colton, is unwilling to print the Journal of Proceedings at the price named in his said contract, then that they enquire of the Comptroller, what was the next lowest bid for printing said Journal and Proceedings, and if the said next lowest bidder, will print said Journal and Proceedings at the price bid for the same by him ;

Which was rejected.

The question then recurring upon the order submitted by Mr. Wickes ;

It was adopted.

Mr. Merryman, submitted the following order:

Ordered, That when this Convention adjourns, it adjourns until Monday next, at 3 o'clock, P. M.

Mr. Brown, proposed the following amendment:

Strike out the word "Monday," and insert "to-morrow."

On motion of Mr. Mackubin,

The Convention at 3 o'clock adjourned.

SATURDAY, May 18th, 1867.

The Convention met.

Prayer by the Rev. Mr. Burke.

Present at the call of the roll the following members:

Messrs. Carmichael, (President,) Perry, Spates, Walsh, Roman, Hoblitzell, Howison, Giddings, Rennolds, Barnes, Vansant, Flaherty, Henderson, Brown, Ritchie, Dobbin, Pleasants, Peters, Buchanan, Wethered, Bell, Kennedy, Starr, Nicolai, Tarr, of Caroline, Hubbard, Galt, Bennett, Cover, Hayden, Groome, McCormick, Mitchell, Stoddert, Wallace, Goldsborough, of Dorchester, Austin, Hodson, Farnandis, Archer, Evans, Silver, Mackubin, Devries, Wickes, Ringgold, Massey, Janvier, Lee, Brooke, Marbury, Emack, Finley, Bradley, Ford, Dent, Jamison, Rider, Horsey, of Somerset, Page, Goldsborough, of Talbot, Hollyday, Bate-man, Hammond, Syester, Alvey, Murray, Cunningham, Motter, Pole, Parker, McMaster—72

The proceedings of yesterday were read and approved.

The President laid before the Convention the reports of the Clerks of the Commissioners of Somerset and Anne Arundel Counties, and also the report of the Clerk of the Circuit Court for Frederick County,

Which were read, and

On motion of Mr. McMaster severally referred to the Committee upon the Judiciary Department.

John W. Patterson, of Allegany, Assistant Postmaster elect, appeared, was duly qualified, and entered upon his duties.

Mr. Page submitted the following order :

Ordered, That the Secretary be instructed to furnish each member of this Convention with a copy of the Constitution of 1851 and 1864, printed in pamphlet form.

Pending the consideration of which,

Mr. Barnes submitted the following order as a substitute :

Ordered, That the debates containing the Constitution of 1851 and 1864 now in the Library, be distributed among the members of the Convention to be returned at the end of the Convention ;

Which was rejected.

The question then recurring upon the order submitted by Mr. Page,

Mr. Tarr, of Caroline, submitted the following amendment :

Provided they are already in print ;

Which was adopted.

The question then recurring upon the order, as amended, It was adopted.

Mr. Ford submitted the following order :

Ordered, That the Secretary have printed for the use of the Convention, in card form, two hundred copies of the different standing committees ;

Which was adopted.

Mr. Motter submitted the following order :

Ordered, That the Committee on the Executive Department be requested to inquire into the expediency of granting a veto power to the Governor ;

Which was adopted.

Mr. Syester submitted the following order :

Ordered, That the Clerk of the Court of Appeals be, and he is hereby respectfully requested to furnish to this Convention, the number and names of the State cases argued in the Court of Appeals by the Attorney General since his installation in office ;

Which was adopted.

Mr. Alvey submitted the following order :

Ordered, That, with a view to an efficient organization of the Courts of original jurisdiction, the Committee on the Judiciary Department inquire into the expediency of—

1st. Dividing the State (exclusive of the city of Baltimore,) into Judicial Circuits, to consist of two or more counties, and for each of which Circuits one Judge be elected or appointed as the case may be, whose duty it shall be to preside at the sittings of the several Courts of Common Law, held within their respective Circuits.

2d. Electing or appointing a Judge for each of the several counties of the State who shall have common law and equity jurisdiction within their respective counties, and who shall sit as associate of the said Circuit Judge, in the regular sessions of the common law courts held in the counties for which they shall be elected or appointed ; and,

3d. Abolishing the Orphans' Courts as now constituted, and conferring upon said county Judge all the powers and jurisdiction thereof ;

Which was adopted.

The President announced the following Committee under the order submitted by Mr. Jones on yesterday ;

Messrs. Jones, Archer, Massey, Bradley, Brooke, Mitchell, Vansant.

Mr. Spates submitted the following order :

Ordered, That the Clerks of the several Boards of County Commissioners in this State, be and they are hereby respectfully requested to furnish this Convention with the aggregate amount of assessable property in their several counties, as ascertained under the late assessments ;

Which was adopted.

Mr. Wickes presented the report of the Clerk to the Commissioners of Kent county in response to an order of the Convention ;

Which was read, and,

On motion of Mr. Wickes,

Referred to the Committee upon the Judiciary Department.

On motion of Mr. Wickes,

At 1 $\frac{3}{4}$ o'clock, P. M., the Convention adjourned.

MONDAY, May 20, 1867.

The Convention met.

Prayer by the Rev. Mr. Leech.

Present at the call of the roll the following members :

Messrs. Carmichael, (President,) Perry, Spates, Walsh, Roman, Hoblitzell, McKaig, Howison, Hall, Kilbourn, Giddings, Rennolds, Whitman, Barnes, George, Henderson, Gill, Brown, Ritchie, Garèy, Dobbin, Brewer, of Baltimore city, Ferry, Franck, Merryman, Denson, Wilkinson, Buchanan, Wethered, Bell, Kennedy, Starr, Barry, Hardcastle, Tarr, of Caroline, Hubbard, Watkins, of Caroline, Galt, Bennett, Cover, Hayden, Chambers, Groome, McCormick, Mitchell, Brent, Stoddert, Austin, Hodson, Horsey, of Frederick, Farnandis, Archer, Evans, Rogers, Morris, Wickes, Ringgold, Massey, Janvi~~e~~, Riggs, of R., Duvall, Lee, Brooke, Marbury, Finley, Bradley, Ford, Dent, Jamison, Toadvine, Rider, Horsey, of Somerset, Page, Goldsborough, of Talbot, Bateman, Hammond, Syester, Alvey, Murray, Cunningham, Motter, Pole, Parker, McMaster—83.

The proceedings of Saturday were read and approved.

Hon. Vivian Brent, member elect from Charles county, appeared, qualified and took his seat.

The President laid before the Convention the reports of the clerks to the County Commissioners of Talbot, Prince George's, Washington, Charles, Howard, Harford, St. Mary's and Frederick counties.

Also the reports of the Clerks of the Circuit Courts for Dorchester and Howard counties, in response to an order of the Convention, which were severally read, and,

On motion of Mr. Ritchie,

Referred to the Committee upon the Judiciary Department, and ordered to be printed. [See Doc. A.]

Mr. Giddings submitted the following order :

Ordered, That the Committee upon the Judiciary Department, in considering any plan which may embrace the election of Judges by the people, be requested to enquire into the propriety of having such elections held upon some other day than that which may be fixed for the selection of State and county officers ;

Which was adopted.

Mr. Barnes submitted the following order :

Ordered; That a Committee of Revision and Compilation, consisting of five members, be appointed by the President;

Which was adopted.

Mr. Horsey, submitted the following order :

Ordered; That on and after Wednesday next, the hour of meeting of the Convention shall be ten o'clock, A. M.,

Pending the consideration of which,

Mr. Mitchell submitted the following amendment :

Strike out the word "ten" and insert the word eleven.

Mr. Dent submitted the following amendment :

Strike out the word "ten" and insert the word twelve.

The question recurring upon the amendment submitted by Mr. Dent, it was adopted.

The order as amended, was then adopted.

On motion of Mr. Kilbourn,

The vote by which the report of the Committee upon Rules was made the order of the day for Thursday next, the 23d inst., was reconsidered.

The Report was then taken up for consideration, read and adopted.

On motion of Mr. Mitchell,

At 2 o'clock P. M., the Convention adjourned.

TUESDAY, May 21, 1867.

The Convention met.

Prayer by Rev. Mr. Hammond.

Present at the call of the roll the following members :

Messrs. Carmichael, (President,) Perry, Spates, Roman, Hoblitzell, McKaig, Howison, Hall, Kilbourn, Giddings, Rennolds, Whitman, Barnes, Vansant, Henderson, Gill, Brown, Carter, Ritchie, Garey, Dobbin, Brewer, of Baltimore city, Ferry, Peters, Franck, Merryman, Denson, Wilkinson, Buchanan, Wethered, Bell, Kennedy, Starr, Barry, John

Parran, Charles S. Parran, Ireland, Hardcastle, Tarr, of Caroline, Hubbard, Watkins, of Caroline, Longwell, Manro, Galt, Bennett, Cover, Hayden, Chambers, Howard, Groome, McCormick, Cosgrove, Mitchell, Brent, Stoddert, Wallace, Goldsborough, of Dorchester, Austin, Hodson, Nelson, Dorsey, Horsey, of Frederick, McPherson, Thomas, Johnson, Evans, Rogers, Silver, Devries, Morris, Wickes, Ringgold, Massey, Janvier, Watkins, of Montgomery, Brewer, of Montgomery, Riggs, Duvall, Lee, Brooke, Marbury, Emack, Finley, Bradley, Ford, Dent, Jamison, Rider, Horsey, of Somerset, Page, Goldsborough, of Talbot, Hollyday, Bateman, Hammond, Syester, Alvey, Murray, Cunningham, Motter, Pole, Parker, McMaster—102.

The proceedings, of yesterday were read and approved.

The President laid before the Convention the reports of the Clerks of the County Commissioners of Charles, Howard, Allegany and Cecil counties in response to an order of the Convention, showing the amounts levied for the Board of School Commissioners for 1866 ;

Which were read, and,

On motion of Mr. Mitchell,

Severally referred to the Committee on Education.

The President laid before the Convention the following Reports of the Clerks of the County Commissioners of Queen Anne's, Cecil and Howard counties in response to an order of the Convention, showing amount of monies levied and paid Judges of the Orphan's Court, as therein specified ;

Also, the Reports of the Clerks of the County Commissioners of Howard and Cecil counties, showing the amounts levied and paid to State's Attorneys and Clerks of Circuit Courts for said counties ;

Also, the Reports of the Clerk of Frederick county, showing the number of indictments found in said Court from 1864 to 1867 ;

Also, the Report of the Clerk of the Circuit Court for Baltimore city, showing the number of suits instituted, tried and determined in said Court for the years 1865 and 1866 ;

Which were read, and

Severally referred to the Committee on the Judiciary, and ordered to be printed. [See Doc. B.]

Also, the following Report of the Commissioner of the Land Office in response to an order of the Convention :

LAND OFFICE OF MARYLAND,
Annapolis, May 18th, 1867.

To the Honorable

RICHARD B. CARMICHAEL, *President Convention* :

In compliance with an order of the Convention of which you are the presiding officer, requesting the Commissioner of the Land Office to furnish to the Convention a statement of the number of Common Warrants, Special Warrants, Proclamation Warrants, Escheat Warrants and Warrants of Re-survey issued by him in the years 1864, 1865 and 1866, and the number of caveats heard and determined by him, and the amount of revenues and fees of said office during the same period, and paid by him into the treasury of the State, I beg leave to report that for the year 1864 no fees were paid into the treasury of the State. The salary of the Commissioner of the Land Office, at that time, was derived from the fees of office, including twenty-five per cent. commission on all caution and composition money received for the State, and the sum of seven hundred and fifty dollars paid to him from the State Treasury as keeper of the Chancery Records, &c. The sum paid into the treasury during the year 1864, for caution and composition money, was four hundred and eight dollars and fifty cents, (408.50.)

There were issued during the years 1864, 1865 and 1866, the following warrants, viz. :

1864.

Common Warrants.....	16
Special Warrants.....	22
Proclamation Warrants.....	2
Escheat Warrants.....	20
Warrants of Re-survey.....	54
Total.....	74

1865.

Common Warrants.....	40
Special Warrants.....	26
Proclamation Warrants.....	2
Escheat Warrants.....	18
Warrants of Re-survey.....	20
Total.....	106

1866.

Common Warrants.....	23
Special Warrants.....	28
Proclamation Warrants.....	2

Escheat Warrants.....	52
Warrants of Re-survey.....	34

Total.....149

During the years 1865 and 1866, the following sums were received for caution and composition money and fees, and paid into the treasury of the State, viz :

1865.

Caution and Composition money.....	\$524 70
Fees.....	610 94

Total.....\$1,135 64

1866.

Caution and Composition money.....	\$1,241 45
Fees.....	1,121 55

Total.....\$2,363 00

Part of the fees accrued during the year 1865 were received and paid into the treasury during the year 1866, and are included in the statement of fees received and paid during that year, and there remain uncollected of fees accrued during the years 1865 and 1866, about the sum of three hundred dollars, (\$300.)

During the same period, five (5) caveats were heard and determined, eight (8) expired by limitation, and three (3) are now pending.

All which is respectfully submitted.

WM. L. W. SEABROOK,
Commissioner of the Land Office.

Which was read and referred to the Committee respecting the appointments of tenure of office, duties and compensation of all civil officers not embraced in the duties of other Standing Committees.

Mr. Vansant submitted the following order :

Ordered, That the Committee on the Legislative Department inquire into the expediency and propriety of promoting the efficiency of the General Assembly of the State, and of maintaining the integrity of its character by inserting a feature in the Constitution requiring the Legislature to enact a law or laws subjecting the penalties and disqualifications, members or officers or clerks of the General Assembly, who shall directly or indirectly receive any bribe, reward, fee or valuable testimonial for any service performed or to be performed in connection with their official trust ;

Which was adopted, and,

On motion of Mr. Marbury,

Referred to the Committee upon the Legislative Department.

Mr. Rider submitted the following order :

Ordered, That the Committee on Appointment and Tenure of Office consider the expediency of providing in the Constitution for the election of State Treasurer by the people ;

Which was adopted.

Mr. Hayden submitted the following order :

Ordered, That the Committee on a Proper Basis of Representation in the Two Houses of the General Assembly, and a proper apportionment of Representatives in the same, inquire into the propriety of making the whole population of the State the basis of representation in the House of Delegates, and of apportioning representation in said House according to said basis ;

Which was read, and

On motion by Mr. Hayden,

Referred to the Committee upon a Proper Basis of Representation in the Two Houses of the General Assembly, and a proper Apportionment of Representatives in the same.

Mr. Vasant submitted the following order :

Ordered, That the Committee on the Legislative Department inquire into the expediency of engrafting in the Constitution, an article inhibiting lottery grants, and the sale of lottery tickets of whatsoever kind or policies of risk, or certificates having in anywise any connection with the drawing of lotteries or schemes of raffle, or gift enterprise, either through agents or otherwise, and requiring the General Assembly of the State to enact penal laws and prohibitions in that connection ;

Which was adopted.

Mr. Howison, Chairman of the Committee upon Claims, submitted the following

REPORT:

The Committee on Claims have carefully considered the several subjects embraced in the order of the Convention, of the 17th instant, and respectfully submit the following report:

The Act of Assembly, by virtue of which this Convention is assembled, provides that the pay of its members shall be five dollars per diem and mileage; it empowers the Convention to appoint such officers as may be necessary for the des-

patch of its business, and to fix the compensation of its president and officers.

Without discussing the question as to whether the Convention is authorized by this Act to establish rates of mileage for its members and officers; the Committee are of opinion, that the rates established by an old Act of Assembly which have not been departed from at any general session of the Legislature, or in the cases of the two Conventions which have been held since the year 1850, to the present time, are the proper rates of mileage to be allowed and paid to the members and officers of this Convention.

This table of rates may go back far beyond the year 1850; the Committee did not inspect the journal of accounts beyond that time, regarding a practice of seventeen years as a safe precedent for their action.

The Speakers of the House of Delegates of the sessions of 1866 and 1867 received an allowance of ten dollars per diem. The Committee recommend that the same rate of compensation be allowed to the President of this Convention, and that the Secretary and Assistant Secretary be each allowed the sum of eight dollars per diem for their services, and the same allowance for mileage as is received by the members of the Convention; and they further recommend that the per diem and mileage of the other officers of the Convention be the same as is received by the members.

In view of the very liberal recommendations which the Committee have thought proper to make in behalf of the officers, they trust that the Convention will not hereafter entertain any proposition for extra compensation.

The Committee also recommend that the President have power to appoint a Revising Clerk, chosen with special reference to his capacity and fitness for the office, whose duty it shall be to revise, arrange and engross, as the same shall be passed by the Convention, the Articles and Sections of the New Constitution; and also, shall keep the said record at all times open for the inspection and information of the members of the Convention. It shall also be his duty to revise the printing of the Journal of Proceedings and reports of committees, so as to insure correctness, and to make an index of the same.

The Committee are also of the opinion that the services of two additional folders are required, and they recommend that the President have power to appoint them. The work in the folding room is now much behind hand, and it does not appear to be possible to keep it up with the force now employed.

The title Committee on Claims, does not seem to be appro-

prate in this Convention, and the Committee recommend, that it should hereafter be styled the Committee on Accounts.

All of which is respectfully submitted,

JAS. R. HOWISON.
B. B. CHAMBERS,
T. H. HUBBARD,
WILLIAM JANVIER,
ALFRED SPATES,
HENRY A. SILVER,
E. WHITMAN,
HARRY W. DORSEY,
SAMUEL RIGGS, of R.

Which was read.

Mr. Horsey, of Frederick, moved that the Report of the Committee be adopted ;

Pending the consideration of which,

Mr. Ford, moved to postpone the further consideration thereof, and make it the order of the day for Thursday next, at one o'clock, P. M.

Decided in the negative.

Mr. Vansant called for a division of the question, and moved that the recommendations of the Report of the Committee be taken up *seriatim*.

Decided in the affirmative.

The Convention then proceeded to the consideration of the first recommendation of the Report of the Committee, viz. :

The Speaker of the House of Delegates of the sessions of 1866 and 1867, received an allowance of ten dollars per diem. The Committee recommend that the same rate of compensation be allowed to the President of the Convention.

On motion of Mr. Merryman,

The first recommendation of the Committee was then adopted.

The Convention then proceeded to the consideration of the second recommendation of the Committee, viz. :

That the Secretary and Assistant Secretary, be each allowed the sum of eight dollars per diem for their services, and the same allowance for mileage as is received by the members, which,

On motion of Mr. Denson,

Was adopted.

The third recommendation of the Committee was then taken up for consideration, viz :

And they further recommend that the per diem and mileage of the other officers be the same as is received by the members of the Convention ;

Which was adopted.

The Convention then proceeded to the consideration of the fourth recommendation of the Committee, viz. :

In view of the very liberal recommendations of which the Committee have thought proper to make in behalf of the officers, they trust that the Convention will not hereafter entertain any proposition for extra compensation ;

Which was adopted.

The Convention then took up for consideration the fifth recommendation of the Committee, viz. :

The Committee also recommend that the President have power to appoint a Revising Clerk, chosen with special reference to his capacity and fitness for the office, whose duty it shall be to revise, arrange and engross, as the same shall be passed by the Convention, the articles and sections of the New Constitution, and who shall keep the said record at all times open for the information of the members of the Convention. It shall also be his duty to revise the printing of the Journal of Proceedings and Reports of Committees, so as to assure correctness, and to make an index of the same ;

Pending the consideration of which,

Mr. Barnes, submitted the following order :

That the President, at the suggestion of the Committee on "Revision and Compilation," shall have power to appoint a competent Clerk to assist said Committee in their labors ;

Which was rejected.

The question then recurring upon the recommendation of the committee, being the appointment of a Revising Clerk,

It was adopted.

The Convention then proceeded to the consideration of the sixth recommendation of the Committee, viz. :

The Committee are also of opinion that the services of two additional folders are required, and they recommend that the President have power to appoint them ;

Pending the consideration thereof,

Mr. Garey demanded the yeas and nays,

Which was sustained ;

The yeas and nays were called and appeared as follow :

AFFIRMATIVE.

Messrs.	Ireland,	Farnandis,
Perry,	Hardcastle,	Archer,
Spates,	Tarr, Caroline,	Evans,
Roman,	Hubbard,	Rogers,
Hoblitzell,	Longwell,	Silver,
McKaig,	Manro,	Devries,
Howison,	Bennett,	Wickes,
Giddings,	Cover,	Ringgold,
Kilbourn.	Hayden,	Janvier,
Whitman,	Chambers,	Riggs,
Barnes,	Cosgrove,	Lee,
Carter,	Brent,	Brooke,
Ritchie,	Wallace,	Marbury,
Dobbin,	Goldsborough, D.	Emack,
Denson,	Austin,	Bradley,
Wilkinson,	Hodson,	Jamison,
Buchanan,	Nelson,	Rider,
Wethered,	Dorsey,	Page,
Bell,	Horsey, of Fred.	Goldsborough, T.
Kennedy,	McPherson,	Syester,
Starr,	Thomas,	Murray,
Barry,	Johnson,	Parker—65

NEGATIVE.

Messrs.	John Parran,	Brewer, of M'y.
Rennolds,	C. S. Parran,	Duvall,
Vansant,	Watkins, of Car.	Ford,
Henderson,	Galt,	Dent,
Gill,	Howard,	Hollyday,
Brown,	Groome,	Bateman,
Garey,	McCormick	Alvey,
Brewer, Bal. city.	Mitchell,	Cunningham,
Ferry,	Stoddert,	Motter,
Peters,	Morris,	Pole,
Franck,	Watkins, of M'y.	McMaster—33
Merryman,		

So the recommendation of the Committee that two additional folders be appointed,

Was adopted.

The Convention then proceeded to the consideration of the seventh recommendation of the Committee, viz.:

The title "Committee on Claims," does not seem to be ap-

propriate in this Convention, and the Committee recommend that it should hereafter be styled, "The Committee on Accounts;"

Which was adopted.

The report of the Committee was then adopted.

Mr. Longwell, Chairman of the Committee upon Printing, submitted the following

REPORT :

The Committee on Printing "who were ordered by the Convention to ascertain and report whether Mr. George Colton, with whom the contract for printing the Journal of Proceedings and Debates of the Convention was made by the Comptroller of the State, is willing to print at the prices named in said contract such portion of the proceedings as may be ordered by the Convention, and if not, on what terms he will print such matter as may be ordered thereby," beg leave to report that they have conferred with Mr. Colton on the subject of said order, and have ascertained from him that he is willing to print the Journal of Proceedings at the prices contracted for ; but that he cannot do it without serious loss, his contract for the printing of the Convention, looking entirely to the printing of the debates of the Convention for all the profits he expected to make by the contract.

The committee has also ascertained from Mr. Colton that he can print the Journal of Proceedings at two dollars per page, and such other matter as may be ordered by the Convention, on such fair and reasonable terms as may be approved by the Committee on Printing.

JOHN K. LONGWELL,
Chairman.

JAS. A. HENDERSON,
JAS. R. BREWER,
SAMUEL W. STARR,
JOHN B. THOMAS,
HENRY A. SILVER,
JOHN F. DENT,
WM. MOTTER,
JAS. L. HORSEY.

Which was read, and,

On motion of Mr. Denson,

Adopted.

Mr. Barnes (by general consent) submitted the following resolution :

Resolved, That the Comptroller, at the suggestion of the

Committee on Printing, contract with George Colton, Esq., for such printing as the Convention may require ;

Which was adopted.

Mr. Nelson, from the minority of the Committee to consider and report upon the Declaration of Rights, submitted the following

REPORT :

As one of the Committee to whom was referred the consideration of the Declaration of Rights, I beg leave to report the Declaration of Rights as reported by the chairman of said Committee, with the exception of Article 36, for which I beg leave to report the following :

Art. 36. That as it is the duty of every man to worship God in such manner as he thinks most acceptable to Him, all persons are equally entitled to protection in their religious liberty ; wherefore, no person ought, by any law, to be molested in his person or estate on account of his religious persuasion or profession, or for his religious practice, unless, under color of religion, any man shall disturb the good order, peace, or safety of the State, or shall infringe the laws of morality or injure others in their natural, civil or religious rights ; nor ought any person to be compelled to frequent, or maintain, or contribute to maintain, unless on contract, any place of worship, or any ministry ; nor shall any person be deemed incompetent as a witness or juror on account of religious belief, profession or practice, who believes in the existence of God, and that under His dispensation such person will be held morally accountable for his acts, and be rewarded or punished therefor, either in this world or the world to come.

FRED. J. NELSON,

One of the Committee upon Declaration of Rights.

Which was read the first time.

On motion of Mr. Starr,

At 3 o'clock, P. M., the Convention adjourned.

WEDNESDAY, May 22, 1867.

The Convention met.

Prayer by Rev. Mr. Leech.

Present at the call of the roll the following members :

Messrs. Carmichael, (President,) Perry, Spates, Roman, Hoblitzell, McKaig, Hall, Kilbourn, Rennolds, Barnes, George, Vansant, Flaherty, Henderson, Gill, Brown, Carter, Ritchie, Garey, Dobbin, Pleasants, Brewer, of Baltimore city, Ferry, Peters, Franck, Merryman, Wilkinson, Buchanan, Wethered, Bell, Kennedy, Starr, Nicolai, Parran, C. S., Ireland, Hardcastle, Tarr, of Caroline, Hubbard, Longwell, Manro, Galt, Bennett, Cover, Hayden, Chambers, Howard, Groome, McCormick, Cosgrove, Mitchell, Stoddert, Wallace, Goldsborough, of Dorchester, Austin, Hodson, Nelson, Dorsey, McPherson, Thomas, Johnson, Farnandis, Archer, Evans, Rodgers, Silver, Mackubin, Devries, Morris, Wickes, Ringgold, Massey, Janvier, Watkins, of Montgomery, Brewer, of Montgomery, Riggs, Duvall, Lee, Brooke, Marbury, Emack, Keating, Bradley, Ford, Dent, Jamison, Rider, Horsey, of Somerset, Jones, Page, Goldsborough, of Talbot, Hollyday, Bateman, Hammond, Syester, Alvey, Murray, Cunningham, Motter, Pole, Parker, McMaster—102.

The proceedings of yesterday were read and approved.

The President appointed Joseph H. Nicholson, Esq., "Revising Clerk," in conformity with the Report of the Committee on Claims adopted yesterday.

The President laid before the Convention the report of the Clerks of the County Commissioners, of Frederick, Harford and Queen Anne's counties, in response to an order of the Convention, showing the amount levied for the Board of School Commissioners in said counties for the year 1866 ;

Which were read and severally referred to the Committee on Education ;

Also, the following reports of the said Clerks, exhibiting the amounts paid to the Clerks of the Circuit Courts and State's Attorneys, and the report of the Clerk of the Circuit Court for Harford county, showing the number of indictments found in said Court for the years 1864, 1865 and 1867 :

Which were read, and

Referred to the Committee on the Judiciary Department,

And ordered to be printed. [See Doc. C.]

Mr. Nelson submitted the following order :

Ordered, That the Committee on the Legislative Depart-

ment take into consideration the propriety of incorporating into the Constitution a provision requiring the Legislature to cause the laws of this State to be codified at the expiration of every ten years, said codes to embrace all the acts of the Legislature of a general nature, all the British statutes recognized as now in force in this State, and a short digest of the decisions of the Court of Appeals upon the various articles embraced in said codes ;

Which was adopted.

Mr. Watkins, of Montgomery, submitted the following order :

Ordered, That the Committee on the Judiciary Department be instructed to inquire into the expediency of inserting into the Constitution a provision requiring the Judges of the several Judicial Districts of the State to report to the Legislature at its respective regular sessions such defects in the laws of the State as they may think proper to be remedied by legislation, with such amendments as they may think proper to improve the same, or the administration thereof ;

Which was adopted.

Mr. Hollyday, chairman of the Committee upon the Treasury Department, submitted the following

REPORT :

Section 1. There shall be a Treasury Department consisting of a Comptroller chosen by the qualified electors of the State at each regular election of members of the House of Delegates, who shall receive an annual salary of two thousand five hundred dollars ; and a Treasurer to be appointed by the members of the Legislature at each regular session thereof, on joint ballot, who shall receive an annual salary of two thousand five hundred dollars, and neither of the said officers shall be allowed or receive any fees, commissions or perquisites of any kind in addition to his salary for the performance of any duty or services whatsoever. In case of a vacancy in either of the offices by death or otherwise, the Governor by and with the advice and consent of the Senate, shall fill such vacancy by appointment, to continue until another election, or a choice by the Legislature as the case may be, and the qualification of the successor. The Comptroller and the Treasurer shall keep their offices at the seat of government, and shall take such oath and enter into such bonds for the faithful discharge of their duties as the Legislature shall prescribe.

Sec. 2. The Comptroller shall have the general superintendence of the fiscal affairs of the State, he shall digest and prepare plans for the improvement and management of the revenue and for the support of the public credit, prepare and

report estimates of the revenue and expenditures of the State, superintend and enforce the prompt collection of all taxes and revenue, adjust and settle on terms prescribed by law with delinquent collectors and receivers of taxes and State revenue and preserve all public accounts, decide on the forms of keeping and stating accounts, grant under regulations prescribed by law all warrants for money to be paid out of the Treasury in pursuance of appropriations by law, and countersign all checks drawn by the Treasurer upon any bank or banks in which the moneys of the State may from time to time be deposited, prescribe the formalities of the transfer of stock or other evidence of the State debt, and countersign the same, without which such evidences shall not be valid, he shall make full reports of all his proceedings and the state of the Treasury Department within ten days after the commencement of each session of the Legislature and perform such other duties as shall be prescribed by law.

Sec. 3. The Treasurer shall receive and keep the moneys of the State and disburse the same upon warrants drawn by the Comptroller, and on checks countersigned by him and not otherwise, he shall take receipts for all moneys paid by him, and receipts for moneys received by him shall be endorsed upon warrants signed by the Comptroller, without which warrants so signed no acknowledgment of money received into the Treasury shall be valid, and upon warrants issued by the Comptroller he shall make arrangements for the payment of the interest of the public debt and for the purchase thereof on account of the sinking fund. Every bond, certificate or other evidence of the debt of the State shall be signed by the Treasurer and countersigned by the Comptroller, and no new certificate or other evidence intended to replace another shall be issued until the old one shall be delivered to the Treasurer, and authority executed in due form for the transfer of the same shall be filed in his office and the transfer accordingly made on the books thereof and the certificate or other evidence cancelled, but the Legislature may make provisions for the loss of certificates or other evidences of the debt, and may prescribe by law the manner in which the Treasurer shall receive and keep the moneys of the State.

Sec. 4. The Treasurer shall render his accounts quarterly to the Comptroller, and on the third day of each regular session of the Legislature he shall submit to the Senate and House of Delegates fair and accurate copies of all accounts by him from time to time rendered and settled with the Comptroller. He shall at all times submit to the Comptroller the inspection of the money in his hands, and perform all other duties that shall be prescribed by law.

Sec. 5. The Comptroller shall qualify and enter on the duties of his office on the second Monday of January next

succeeding the time of his election. And the Treasurer within one month after his appointment by the Legislature.

Which was read the first time and ordered to be printed.

On motion of Mr. Nicolai.

The rules were suspended and the Convention took up for consideration the Order of the Day, being the report of the Committee to Consider and Report upon the Declaration of Rights;

Pending which Mr. Stoddert moved to postpone the further consideration of the Order of the Day until to-morrow, 23rd instant, at 2 o'clock P. M.;

Decided in the negative.

The consideration of the Order of the Day was then resumed.

ARTICLE 1. That all government of right, originates from the people, is founded in compact only, and instituted solely for the good of the whole, and they have at all times, the inalienable right to alter, reform, or abolish their form of government, in such manner as they may deem expedient.

Pending the consideration thereof,

Mr. Barnes moved to amend by striking out all of Article 1st and insert instead thereof Article 6, with these alterations:

Strike out the word "that," in the first line, and insert as follows: "All just powers of government are derived from the people," and the article when thus amended will read as follows: "All just powers of government are derived from the people, and all persons invested with the Legislative or Executive powers of government are the trustees of the public, and as such, accountable for their conduct, &c."

Pending the consideration of which,

On motion of Mr. Alvey,

The Convention resolved itself into a Committee of the Whole, Mr. Dent in the chair.

After some time spent in Committee of the Whole, the Committee rose, the President resumed the chair, and through Mr. Dent, chairman, reported the same to the Convention.

On motion of Mr. Vansant,

The Committee were discharged.

The question then recurring upon the amendment submitted by Mr. Barnes,

It was rejected.

Mr. Alvey submitted the following amendment :

Art. 1. After the word "expedient," in the last line, add the words, "provided it be done according to prescribed forms of law."

Pending the consideration thereof,

Mr. Syester submitted the following amendment to the amendment :

In the fifth line, after the word "expedient" insert, "according to the mode prescribed in this Constitution."

Mr. Peters submitted the following amendment as a substitute :

Strike out all after the word "government," and insert the words, "in such manner as may be prescribed by their organic law ;"

Which was rejected.

The question then recurring upon the amendment submitted by Mr. Syester,

It was rejected.

The amendment submitted by Mr. Alvey was then rejected.

Mr. George submitted the following amendment :

Art. 1. That all government of right originates from the people, is inherent in them, and founded on their authority, being instituted solely for the good of the whole ; they have at all times the inalienable right to alter, reform or abolish their form of government in such manner as they may deem expedient ;

Which was rejected.

The Convention then proceeded to the consideration of the 2nd article of the Report,

Pending which,

Mr. McKaig submitted the following amendment :

In the 2nd article strike out the words, "or which shall be made" in the first and second line.

Strike out in the third line, "and shall be," and in the fifth line strike out the words, "and shall be."

Mr. Peters submitted the following amendment as a substitute for the whole article :

Art. 2. The Constitution of the State of Maryland shall be the supreme law of this State, except when it may conflict with the Constitution of the United States, as originally framed by the fathers, or as subsequently altered or amended in *strict* conformity to the provisions of the original Constitution of 1787; and if any conflict should arise between the Constitution of this State and the Constitution as described above, of the United States, then the conflict must be submitted to, and settled by the proper tribunals;

Pending the consideration of which,

Mr. Mitchell moved to strike out the whole Article.

On motion of Mr. Jamison,

At 3½ o'clock, the Convention adjourned.

THURSDAY, May 23, 1867.

The Convention met.

Prayer by the Rev. Mr. Leech.

Present at the call of the roll the following members:

Messrs. Carmichael, (President,) Perry, Spates, Roman, Hoblitzell, McKaig, Hall, Kilbourn, Giddings, Rennolds, Whitman, Barnes, George, Vansant, Flaherty, Henderson, Gill, Brown, Carter, Ritchie, Garey, Dobbin, Pleasants, Brewer, of Baltimore city, Ferry, Peters, Franck, Merryman, Denson, Wilkinson, Buchanan, Wethered, Bell, Kennedy, Starr, Nicolai, Barry, John Parran, Charles S. Parran, Ireland, Hardcastle, Tarr, of Caroline, Hubbard, Longwell, Manro, Galt, Bennett, Cover, Hayden, Chambers, Howard, Groome, McCormick, Cosgrove, Mitchell, Brent, Stoddert, Goldsborough, of Dorchester, Austin, Hodson, Nelson, Dorsey, Horsey of Frederick, Thomas, Farnandis, Archer, Evans, Silver, Mackubin, Devries, Morris, Wickes, Ringgold, Massey, Janvier, Brewer, of Montgomery, Riggs, of R., Duvall, Lee, Marbury, Emack, Keating, Bradley, Ford, Dent, Jamison, Rider, Horsey, of Somerset, Jones, Page, Goldsborough, of Talbot, Hollday, Bateman, Hammond, Syester, Alvey, Murray, Cunningham, Motter, Pole, Tarr, of Worcester, Parker, McMaster.—103.

The proceedings of yesterday were read and approved.

The President laid before the Convention the Reports of the Clerks to the County Commissioners of Baltimore and Prince George's counties, showing the amount levied to the President and Commissioners of Public Schools, for the year 1866 ;

Which were read and referred to the Committee upon Education.

Also, the Reports of the Clerk to the County Commissioners of Baltimore, Montgomery and Washington counties, exhibiting amounts levied and paid to Clerks of Circuit Courts and State's Attorneys.

Also, the Reports of the Clerks of the Circuit Courts for Kent, Queen Anne's, Montgomery and Talbot, showing the number of indictments found, for the years 1864, 1865, 1866 and 1867, and cases tried, &c., for the years 1865 and 1866.

Which were read, and

Severally referred to the Committee on the Judiciary Department, and

Ordered to be printed.

Also, the following reports of the Clerks to the County Commissioners of Baltimore, Howard and Anne Arundel counties in response to an order of the Convention :

OFFICE COUNTY COMMISSIONERS, BALTIMORE COUNTY,
Towsontown, May 22, 1867.

Hon. Members of the

Constitutional Convention :

GENTLEMEN :—In obedience to your order passed the 18th instant, I respectfully report, that the aggregate amount of assessable property in Baltimore county, as ascertained under the late assessment, is \$43,604,134.

For detailed statement please see report filed in the office of the Comptroller of the Treasury.

Very respectfully,

Your obedient servant,

WILLIAM FOSTER, Clerk
County Commissioners of Balt. county.

COUNTY COMMISSIONERS' OFFICE, HOWARD COUNTY,

Ellicott City, May 22, 1867.

To the Secretary :

SIR :—The amount of assessable property in Howard coun-

ty, as returned by the assessors, after being adjusted and levied on May 7, 1867, is \$7,467,262.

By order,

DAVID FEELEMYER, Clerk.

OFFICE OF COUNTY COMMISSIONERS FOR ANNE ARUNDEL COUNTY,
Annapolis, May 22, 1867.

Hon. R. B. Carmichael,

President of the Constitutional Convention:

SIR:—In obedience to the order passed by your Honorable Body on the 18th inst., that the Clerks of the several boards of County Commissioners within the State be, and they are hereby respectfully requested to furnish this Convention with the aggregate amount of assessable property within several counties, as ascertained under the late assessment. I have the honor to report, that the assessable property of this county, as ascertained under the late assessment, and settled and adjusted by the board of County Commissioners for the said county, amounts to the sum of eleven million four hundred and forty-seven thousand and three hundred and seventy-two dollars.

I am, very respectfully,

Your obedient servant,

GEORGE M. DUVALL, Clerk.

Which were read, and

Severally referred to the Committee upon the Legislative Department.

Also, the following report of the Clerk of the Court of Common Pleas, in response to an order of the Convention :

To the Hon. The President and Members of the Maryland State Constitutional Convention:

James D. Lowry, Clerk of the Court of Common Pleas, respectfully submits, in conformity with a resolution of your Honorable Body, the following statement of receipts and expenses of his office during the time he has held the same, showing the aggregate revenue, the source from whence it was derived, the expenses of the Office, and the cause of the same. He is unable in this statement to cover the period embraced in the resolution from the fact the book containing the desired information has been either lost or retained by his predecessor in office.

STATEMENT.

	LICENSES.	FEES.	STATE TAX.	FINES.	TOTAL.
Am't of revenue rec'd for the year beginning Dec. 1, 1861, and ending the 30th Nov. 1862...	\$173,500 45	\$ 9,069 34	\$70 13	\$157 33	\$182,797 25
Am't of revenue rec'd for the year beginning Dec. 1, 1862, and ending the 30th Nov. 1863...	193,180 96	9,597 03	62 89	195 00	203,035 88
Am't of revenue rec'd for the year beginning Dec. 1, 1863, and ending the 30th Nov. 1864...	214,525 22	10,120 25	4 50	227 40	224,877 37
Am't of revenue rec'd for the year beginning Dec. 1, 1864, and ending the 30th Nov. 1865...	246,729 03	*12,334 12		377 85	259,441 00
Am't of revenue rec'd for the year beginning Dec. 1, 1865, and ending the 30th Nov. 1866...	253,480 57	10,826 19		30 00	264,336 76
Anticipated revenue for half year beginning Dec 1, 1866, and ending the 31st May, 1867, about...	220,000 00	8,100 00		250 00	228,350 00
Total.....	\$1,301,416 23	\$60,046 93	\$137 52	\$1,237.58	\$1,362,838 26

*The increase of fees for this year and the apparent decrease in the year following is attributable to the fact that the Clerk was authorized by the Legislature to canvass the City and ascertain the number of persons doing business therein who required a License to conduct the same, the following year that duty was imposed upon the Sheriff. The amount of revenue to the Clerk's Office from that source was about \$1,500.

STATEMENT.—Continued.

	CLERKS SAL'Y.	STAT'Y & DOG.	PRINTING.	FUEL.	ADVERT'G.	POSTAGE.	INCIDENTAL	CARPET.	SAFE.	TOTAL.
Expenses incurred in conducting the Clerks Office for the year beginning Dec. 1, 1861, and ending 30th Nov. 1862.....	\$ 7,950 00	\$106 95	\$ 75 50	\$65 60	\$19 27	\$24 28	\$45 67	\$80 00		\$ 8,367 27
Expenses incurred in conducting the Clerks Office for the year beginning Dec. 1, 1862, and ending 30th Nov. 1863....	8,450 00	105 98	46 50	66 25	44 06	25 82	29 84			8,768 45
Expenses incurred in conducting the Clerks Office for the year beginning Dec. 1, 1863, and ending 30th Nov. 1864....	9,226 00	177 21	124 00	93 20	18 95	35 80	55 24			9,730 40
Expenses incurred in conducting the Clerks Office for the year beginning Dec. 1, 1864, and ending 30th Nov. 1865....	10,273 96	247 65	102 50	85 00	51 87	31 57	40 10			10,832 65
Expenses incurred in conducting the Clerks Office for the year beginning Dec. 1, 1865, and ending 30th Nov. 1866....	9,994 69	191 97	140 50	61 87	9 36	44 66	48 15		\$195 00	10,686 20
Expenses incurred in conducting the Clerks Office for the half year ending on the 31st May, 1867.....	4,900 00	95 00	80 00	50 00		25 00	30 00			* 5,180 00
- Total.....	\$50,794 65	\$924 76	\$569 00	\$421 92	\$143 51	\$187 13	\$249 00	\$80 00	\$195 00	\$535,64 97

* This amount is approximated as the expenses of the Office for the time specified. An accurate account cannot be given until after the 1st June, proximo.

JAMES D. LOWRY,

Clerk Court of Common Pleas,

Which was read, and

Referred to the Committee upon the Judiciary Department.

On motion of Mr. Buchanan,

The vote by which the following order submitted by him was laid on the table,

Was reconsidered,

Ordered, That the Committee on the Legislative Department be requested to take into consideration the expediency of incorporating into the Constitution, some suitable provision for the protection of male and female children under the age of eighteen years, employed in the factories and workshops of this State, from the excessive labor which, in some cases, is now imposed on them, preventing their moral and physical developement, and rendering them incapable of future usefulness to themselves and the State ;

The question recurring upon the order,

On motion of Mr. Buchanan,

It was referred to the Committee upon the Legislative Department.

Mr. Tarr, of Caroline, submitted the following order :

Ordered, That the Committee on Representation in apportioning the Delegates to the General Assembly of the State, consider the propriety of allowing to each county and each Senatorial District of Baltimore city, a delegate for every 7,000 inhabitants, calculating upon the basis of aggregate population, until each county and each district in the city of Baltimore receive four members, and an additional delegate for every 20,000 population, or the largest fractional part thereof, until the number of 7 is reached ; but to apportion to no county less than two delegates.

Which was adopted and referred to the Committee upon a Proper Basis of Representation in the Two Houses of the General Assembly, and a Proper apportionment of the same.

Mr. Hammond submitted the following order :

Ordered, That the Committee on the Legislative Department be requested to take into consideration the propriety of providing, in the Constitution, for annual sessions of the Legislature, and limiting the sessions to a shorter period than at present ;

Which was adopted.

Mr. George submitted the following order:

Ordered, That the Committee on Legislative Department

inquire into the propriety of making Constitutional enactment whereby the Legislature of the State may make most liberal provision for the encouragement of railroad facilities to the peninsula embracing the Eastern and Western Shores of Maryland, as a source of advantage to their landed interest ;

Pending its consideration,

Mr. Peters moved to amend by inserting after the word "railroad" the words "and steamboat ;"

Mr. Carter moved to lay the whole subject on the table ;

Decided in the negative.

The question then recurring upon the amendment submitted by Mr. Peters,

It was rejected.

The question then recurring upon the adoption of the order submitted by Mr. George,

It was adopted.

On motion of Mr. Dent,

The vote by which the Report of the Committee on Claims was, on Tuesday, adopted,

Was reconsidered.

Mr. Dent moved to recommit the report, that so much thereof as referred to the subject of mileage of the Members and Officers may be again considered and acted upon by the Committee ;

Which was decided in the affirmative,

So the Report was recommitted to the Committee upon Claims.

Mr. McPherson submitted the following order:

Ordered, That the Committee on Public Works be instructed to inquire into the expediency of legislation to effect a *pro rata* rate of charges per mile for freight and passengers, within the State of Maryland, on all railroads therein ;

Which was adopted.

The Report of the Committee upon the Treasury Department being upon its second reading,

On motion of Mr. Dent,

The further consideration of the Report was informally postponed.

The Convention then took up for consideration the order of the day,

Being the Report of the Committee to consider and report upon the Declaration of Rights.

The question recurring upon the second Article, the question being upon the motion of Mr. Mitchell, to strike out the whole article ;

Mr. Stoddert demanded the yeas and nays ;

Which were sustained.

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Wilkinson,	McPherson,
Carmichael, Pt.,	Starr,	Duvall,
Giddings,	Parran, John	Keating,
Rennolds,	Ireland,	Ford,
Ritchie,	Mitchell,	Goldsborough, T.
Brewer, B. city,	Brent,	Hollyday,
Peters,	Goldsborough, D.,	Hammond.—21
Merryman,	Hodson,	

NEGATIVE.

Messrs.	Barry,	Devries,
Perry,	Parran, C. S.	Morris,
Spates,	Tarr, of Caroline,	Ringgold,
Roman,	Hubbard,	Massey,
Hoblitzell,	Longwell,	Janvier,
McKaig,	Manro,	Brewer, of Mont.,
Hall,	Galt,	Riggs,
Kilbourn,	Bennett,	Lee,
Whitman,	Cover,	Brooke,
Barnes,	Hayden,	Marbury,
George,	Chambers,	Emack,
Vansant,	Howard,	Bradley,
Flaherty,	Groome,	Dent,
Henderson,	McCormick,	Jamison,
Gill,	Cosgrove,	Rider
Brown,	Stoddert,	Horsey, of S.,
Carter,	Wallace,	Jones,
Garey,	Austin,	Page,
Dobbin,	Nelson,	Bateman,
Pleasants,	Dorsey,	Alvey,
Ferry,	Horsey, of F.,	Murray,
Franck,	Thomas,	Cunningham,
Denson,	Johnson,	Motter,
Buchanan,	Archer,	Pole,
Wethered,	Evans,	Tarr, of Worc'r,
Bell,	Silver,	Parker,
Kennedy,	Mackubin,	McMaster—82.
Nicolai,		

So the motion to strike out the whole article did not prevail.

The question then recurring upon the amendment submitted by Mr. Peters as a substitute for the 2nd Article ;

Mr. Nelson submitted the following amendment :

Art. 2. That the Government of the Union and the governments of the States, are supreme within the spheres of their delegated and reserved powers respectively, and that any infraction or modification by either of the powers or rights of the other, is a violation of the compact upon which the Union of the States was founded.

The question being upon its adoption ;

Mr. Ritchie demanded the yeas and nays ;

Which was sustained.

The yeas and nays were called and appeared as follows:

AFFIRMATIVE.

Messrs. Giddings,	Wethered,	Dorsey,
Rennolds,	Starr,	McPherson,
Barnes,	Ireland,	Thomas,
Ritchie,	Mitchell,	Duvall,
Brewer, of B. city,	Brent,	Ford,
Peters,	Austin,	Dent,
Merryman,	Hodson,	Jamison—23.
Wilkinson,	Nelson,	

NEGATIVE.

Messrs.	Parran, J.,	Ringgold,
Carmichael, Pt.,	Tarr, of Caroline,	Massey,
Spates,	Hubbard,	Janvier,
Roman,	Longwell,	Brewer, of M'y,
Hoblitzell,	Manro,	Riggs,
Hall,	Galt,	Lee,
Kilbourn,	Bennett,	Brooke,
Whitman,	Cover,	Marbury,
George,	Hayden,	Emack,
Vansant,	Chambers,	Keating,
Flaherty,	Howard,	Bradley,
Henderson,	Groome,	Rider,
Gill,	McCormick,	Horsey, of S'mt,
Brown,	Cosgrove,	Jones,
Carter,	Stoddert,	Page,
Garey,	Wallace,	Goldsborough, T.
Dobbin,	Goldsborough, D.	Bateman,
Pleasants,	Horsey, of F'dk,	Hammond,
Ferry,	Johnson,	Alvey,

Franck,	Farnandis,	Murray,
Denson,	Archer,	Cunningham,
Buchanan,	Evans,	Motter,
Bell,	Silver,	Pole,
Kennedy,	Mackubin,	Tarr, of Worc'r,
Nicolai,	Devries,	Parker,
Barry,	Wickes,	McMaster,—77.

So the amendment submitted by Mr. Nelson was rejected.

The question then recurring upon the amendment submitted by Mr. Peters,

Mr. McKaig submitted the following amendment :

The Constitution of the State of Maryland and the laws made in pursuance thereof are the supreme law of Maryland, provided they do not infringe on any of the powers delegated to the General Government.

Mr. Peters, (by general consent,) withdrew the amendment submitted by him ;

The question then recurring upon the amendment submitted by Mr. McKaig,

It was rejected.

Mr. Stoddert submitted the following amendment :

Add at end of 2nd Article the words " Within the limits of the powers delegated by the States to the United States and enumerated in the Constitution of the United States as recognized and decided by the Supreme Court of the United States ;"

Which was rejected.

The question then recurring upon the amendment submitted by Mr. McKaig on yesterday,

It was rejected.

Mr. Mitchell submitted the following amendment :

Strike out all after the word "thereby," in the fifth line ;

Which was rejected.

Mr. Marbury submitted the following amendment :

"Article 2. The Constitution of the United States and the laws made, or which shall be made, in pursuance thereof and all treaties made, or which shall be made, under the authority of the United States, are and shall be the supreme law of the land, and the Judges in this State shall be bound thereby, anything in the Constitution or law of this State to the contrary notwithstanding ;"

Which was rejected.

The Convention then proceeded to the consideration of

Article 3d, viz.: The powers not delegated to the United States by the Constitution thereof, nor prohibited by it to the State, are reserved to the States respectively, or to the people thereof,

Pending which,

Mr. Alvey submitted the following amendment as a substitute :

Strike out all after the word and figure, "Article 3," and insert the following :

"That, as to internal government, the people of Maryland have the sole and exclusive right of governing themselves, as a free, sovereign and independent State, and ought forever to have, exercise and enjoy every power, jurisdiction and right, which is not, or may not hereafter be by them expressly delegated to the United States by the Constitution thereof, or which is prohibited thereby ;"

Which was rejected.

On motion of Mr. Merryman,

At 3 o'clock, P. M., the Convention adjourned.

FRIDAY, May 24, 1867.

The Convention met.

Prayer by Rev. Mr. Hammond.

Present at the call of the roll the following members :

Messrs. Carmichael, (President,) Perry, Spates, Walsh, Roman, Hoblitzell, McKaig, Howison, Hall, Kilbourn, Giddings, Rennolds, Whitman, Barnes, George, Vansant, Flaherty, Henderson, Gill, Brown, Carter, Ritchie, Garey, Dobbin, Pleasants, Brewer, of Baltimore City, Ferry, Peters, Franck, Merryman, Denson, Buchanan, Wethered, Bell, Kenney, Starr, Nicolai, Barry, John Parran, Charles S. Parran, Ireland, Hardcastle, Tarr, of Caroline, Hubbard,

Longwell, Manro, Galt, Bennett, Cover, Hayden, Chambers, Howard, Groome, McCormick, Cosgrove, Mitchell, Brent, Stoddert, Wallace, Goldsborough, of Dorchester, Austin, Hodson, Nelson, Dorsey, Horsey, of Frederick, McPherson, Thomas, Johnson, Farnandis, Archer, Evans, Rogers, Silver, Mackubin, Devries, Morris, Wickes, Ringgold, Massey, Janvier, Brewer, of Montgomery, Riggs, Duvall, Lee, Brooke, Marbury, Emack, Keating, Finley, Bradley, Ford, Dent, Jamison, Toadvine, Jones, Page, Goldsborough, of Talbot, Hollyday, Bateman, Hammond, Syester, Alvey, Murray, Cunningham, Motter, Pole, Tarr, of Worcester, Franklin, McMaster—109.

The proceedings of yesterday were read and approved.

Joseph H. Nicholson, Esq., Clerk elect upon Revision and Compilation, appeared and was duly qualified.

The President announced the following committee under the order adopted by the Convention, viz.:

Committee upon Revision and Compilation, Messrs. Lee, Mackubin, Carter, Farnandis and Wickes.

The President appointed Edward A. Marshall, of Dorchester county, Assistant Folder, under order of the Convention.

The President laid before the Convention the following reports from the Commissioners of Montgomery, Cecil and Somerset counties, in response to an order of the Convention :

MONTGOMERY COUNTY,
Rockville, May 22, 1867.

Hon. R. B. Carmichael,

In answer to your last communication, I answer :—The assessment of this county as corrected by the County Commissioners is \$7,638,068.

Very respectfully,

JOSEPH A. TANEY, Clerk
to Commissioners.

OFFICE OF COMMISSIONERS CECIL COUNTY,

Elkton, May 22, 1867.

*To the President of the Constitutional Convention,
of Maryland :*

SIR :—In reply to the request contained in the order of your Body of 18th instant, I respectfully report that, as the assessors have not filed their return of assessments under the act

of 1867, and supplement of 1867, I am unable to furnish the aggregate amount of assessable property for this county under the assessment referred to.

It may not be amiss for me to say, however, that the assessors have roughly estimated that it would, when complete, be very nearly or quite 100 per cent. above the old assessment, which would make it nearly or quite sixteen millions of dollars.

I have the honor to be, sir, very respectfully,
your ob't servant,

JAMES J. CRAWFORD, Clerk
to Commissioners for Cecil County.

COMMISSIONERS OFFICE,
Princess Anne, May 23, 1867.

The aggregate amount of assessable property in Somerset county, as ascertained under the late assessment, is six million seven hundred and forty-nine thousand three hundred and eighty-two dollars, (6,749,382).

By order,

CADMUS DASHIELL, Clerk,
to Commissioners.

Which were read, and

Referred to the Committee upon the Legislative Department.

Also, the reports of the Clerks of the Circuit Courts of Allegany, Carroll and Washington counties, exhibiting the number of cases tried in the years 1865 and 1866, and indictments found, &c., for the years 1864, 1865, 1866 and 1867 ;

Which were read, and

Severally referred to the Committee upon the Judiciary Department.

Also, the reports of said Clerks, exhibiting amounts levied to the President and Commissioners of Public Schools in said counties for 1866 ;

Which were read, and,

Severally referred to the Committee upon Education.

Also, the reports of the Clerks of the County Commission-
of Somerset and Dorchester counties, showing amounts paid
Clerks of Circuit Courts, from 1852 to 1866 ;

Also the reports of said Clerks showing amounts levied and

paid to State's Attorneys in said counties, respectively, for the years 1864, '65, '66, '67 ;

Which were read.

Mr. Horsey, of Frederick, submitted the following order :

Ordered, That on and after Tuesday next the hour of meeting of the Convention shall be 10 o'clock every day except Monday, when the hour shall be 11 o'clock.

Mr. Mitchell moved to amend the order by striking out the word "ten" and insert the word "eleven," and strike out all after the word "o'clock ;"

Decided in the affirmative.

The order as amended was then adopted.

Mr. Brown submitted the following order :

Ordered, That the Committee on Corporations and Public Works be authorized to obtain from any officer or officers of the city of Baltimore such information as to the affairs thereof as they may deem expedient ;

Which was adopted.

Mr. Wethered submitted the following order :

Ordered, That the Sergeant-at-Arms be required to provide seats for such of the officers of the French frigate "Jean Bart" as may visit the Convention ;

Which was adopted.

The time having arrived for considering reports from select committees,

On motion of Mr. Dent,

The rules were suspended by unanimous consent, to enable him to make a report from a standing committee.

Mr. Dent, Chairman of the Committee upon the Legislative Department, submitted the following

REPORT :

Section 1. The Legislature shall consist of two distinct branches ; a Senate and a House of Delegates, which shall be styled the General Assembly of Maryland.

Sec. 2. The members of the House of Delegates shall be elected by the qualified voters of the counties and the Legislative Districts of Baltimore city, respectively, to serve for two years from the day of their election.

Sec. 3. The first election for Senators and Delegates shall take place on the Tuesday next, after the first Monday in the

month of November, eighteen hundred and sixty-seven ; and the election for Delegates, and as nearly as practicable, for one-half of the Senators, shall be held on the same day in every second year thereafter.

Sec. 4. Immediately after the Senate shall have convened after the first election under the Constitution, the Senators shall be divided by lot into two classes, as nearly equal in number as may be. Senators of the first class shall go out of office at the expiration of two years, and Senators shall be elected on the Tuesday next after the first Monday in the month of November, eighteen hundred and sixty-nine, for the term of four years, to supply their places ; so that after the first election one half of the Senators may be chosen every second year. In case the number of Senators be hereafter increased, such classification of the additional Senators shall be made as to preserve as nearly as may be, an equal number in each class.

Sec. 5. No person shall be eligible as a Senator or Delegate, who at the time of his election is not a citizen of the State of Maryland, and who has not resided therein for at least three years next preceding the day of his election, and the last year thereof in the county or in the Legislative District of Baltimore city, which he may be chosen to represent, if such county or legislative district of said city shall have been so long established, and if not, then in the county or city from which, in whole or in part, the same may have been formed ; nor shall any person be eligible as a Senator unless he shall have attained the age of twenty-five years, nor as a Delegate unless he shall have attained the age of twenty-one years at the time of his election.

Sec. 6. No member of Congress, or person holding any civil or military office under the United States shall be eligible as a Senator or Delegate, and if any person shall, after his election as Senator or Delegate, be elected to Congress or be appointed to any office, civil or military, under the government of the United States, his acceptance thereof shall vacate his seat.

Sec. 7. No minister or preacher of the gospel, or teacher of any religious creed or denomination, and no person holding any civil office of profit or trust under this State, except Justices of the Peace, shall be eligible as Senator or Delegate.

Sec. 8. No collector, receiver, or holder of public moneys shall be eligible as Senator or Delegate, or to any office of profit or trust, under this State, until he shall have accounted for and paid into the treasury all sums on the books thereof charged to and due by him.

Sec. 9. In case of death, disqualification, resignation, refusal to act, expulsion or removal from the county or city for which he shall have been elected, of any person who shall have been chosen as a Delegate or Senator, or in case of a tie between two or more such qualified persons, a warrant of election shall be issued by the Speaker of the House of Delegates or President of the Senate, as the case may be, for the election of another person in his place, of which election not less than ten day's notice shall be given exclusive of the day of the publication of the notice, and of the day of election; and in case of such resignation or refusal to act being communicated in writing to the Governor by the person so resigning or refusing to act, or if such death occur during the legislative recess, and more than ten days before its termination, it shall be the duty of the Governor to issue a warrant of election to supply the vacancy thus created in the same manner the said Speaker or President might have done during the session of the General Assembly; provided, however, that unless a meeting of the General Assembly may intervene, the election thus ordered to fill such vacancy shall be held on the day of the ensuing election for Delegates and Senators.

Sec. 10. The General Assembly shall meet on the first Wednesday of January, eighteen hundred and sixty-eight, and on the same day in every second year thereafter, and at no other time, unless convened by proclamation of the Governor.

Sec. 11. The General Assembly may continue its session so long as in its judgment the public interest may require for a period of not longer than ninety days; and each member thereof shall receive a compensation of five dollars per diem, for every day he shall attend the session, but not for such days as he may be absent, unless absent on account of sickness, or by leave of the House of which he is a member; and he shall also receive such mileage as may be allowed by law, not exceeding twenty cents per mile; and the presiding officer of each House shall receive an additional compensation of three dollars per day; when the General Assembly shall be convened by proclamation of the Governor, the session shall not continue longer than thirty days; and in such case, the compensation shall be the same as herein prescribed.

Sec. 12. No book, or other printed matter, not appertaining to the business of the session, shall be purchased or subscribed for for the use of the members of the General Assembly, or be distributed among them at the public expense.

Sec. 13. No Senator or Delegate, after qualifying as such,

notwithstanding he may thereafter resign, shall, during the whole period of time for which he was elected, be eligible to any office which shall have been created, or the salary or profits of which shall have been increased during such term, or shall, during said whole period of time, be appointed, by the Executive or General Assembly, to any civil office created by the Constitution or laws of the State.

Sec. 14. No Senator or Delegate shall be liable in any civil action or prosecution whatever for words spoken in debate.

Sec. 15. Each House shall be judge of the qualifications and elections of its members, as prescribed by the Constitution and laws of the State; shall appoint its own officers, determine the rules of its own proceedings, punish a member for disorderly or disrespectful behavior, and, with the consent of two-thirds of its whole number of members elected, expel a member; but no member shall be expelled a second time for the same offence.

Sec. 16. A majority of the whole number of members elected to each House shall constitute a quorum for the transaction of business; but a smaller number may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as each House may prescribe.

Sec. 17. The doors of each House and of the Committee of the Whole shall be open, except when the business is such as ought to be kept secret.

Sec. 18. Each House shall keep a Journal of its proceedings, and cause the same to be published; the yeas and nays of members on any question shall, at the call of any five of them in the House of Delegates, or one in the Senate, be entered on the Journal.

Sec. 19. Each House may punish, by imprisonment, during the session of the General Assembly, any person not a member, for disrespectful or disorderly behavior in its presence, or for obstructing any of its proceedings or any of its officers in the execution of their duties; *provided*, such imprisonment shall not, at any one time, exceed ten days.

Sec. 20. The House of Delegates may inquire, on the oath of witnesses, into all complaints, grievances and offences, as the Grand Inquest of the State, and may commit any person for any crime to the public jail, there to remain until discharged by due course of law; they may examine and pass all accounts of the State, relating either to the collection or expenditure of the revenue, and appoint auditors to state and adjust the same; they may call for all public or official papers

and records, and send for persons whom they may judge necessary, in the course of their inquiries, concerning affairs relating to the public interest, and may direct all office bonds, which shall be made payable to the State, to be sued for any breach thereof.

Sec. 21. Neither House shall, without the consent of the other, adjourn for more than three days at any one time, nor to any other place than that in which the House shall be sitting, without the concurrent vote of two-thirds of the members present.

Sec. 22. The House of Delegates shall have the sole power of impeachment in all cases, but a majority of all the members elected must concur in the impeachment. All impeachments shall be tried by the Senate, and when sitting for that purpose, the Senators shall be on oath or affirmation to do justice according to the law and the evidence, but no person shall be convicted without the concurrence of two-thirds of all the Senators elected.

Sec. 23. Any bill may originate in either House of the General Assembly, and be altered, amended or rejected by the other; but no bill shall originate in either House during the last ten days of the session, nor shall any bill become a law until it be read on three different days of the session in each House, nor shall the rules be suspended in either of the above provisions, unless two-thirds of the members elected in the House, where such bill is pending shall so determine by yeas and nays.

Sec. 24. No bill shall become a law, unless it be passed in each House by a majority of the whole number of members elected, and on its final passage, the yeas and nays be recorded; nor shall any resolution requiring the action of both Houses be passed except in the same manner.

Sec. 25. The style of all laws of this State, shall be "Be it enacted by the General Assembly of Maryland," and all laws shall be passed by original bill; and every law enacted by the General Assembly shall embrace but one subject, and that shall be described in its title; and no law nor section of a law shall be received or amended by reference to its title or section only; and it shall be the duty of the General Assembly in amending any article, or section of the Code of Laws of this State, to enact the same as the said article or section would read when amended; and whenever the General Assembly shall enact any Public General Law, not amendatory of any section or article in the said Code, it shall be the duty of the General Assembly to enact the same in articles and sections in the same manner as the Code is ar-

ranged, and to provide for the publication of all additions and alterations which may be made to the said Code.

Sec. 26. Every bill when passed by the General Assembly and sealed with the Great Seal, shall be presented to the Governor, who shall sign the same in the presence of the presiding officers and chief clerks of the Senate and House of Delegates ; every law shall be recorded in the office of the Court of Appeals, and in due time be printed, published and certified under the Great Seal, to the several Courts, in the same manner as has been heretofore usual in this State.

Sec. 27. No law passed by the General Assembly shall take effect until the first day of June next after the session at which it may be passed, unless it be otherwise expressly declared therein ; and in case any public law is made to take effect before the said first day of June, the General Assembly shall provide for the immediate publication of the same, if general, throughout the State, if local, in the counties to which they apply.

Sec. 28. No money shall be drawn from the Treasury of the State, by any order or resolution, nor except in accordance with an appropriation by law, and every such law shall distinctly specify the sum appropriated and the object to which it shall be applied ; *Provided*, that nothing herein contained shall prevent the General Assembly from placing a contingent fund at the disposal of the Executive, who shall report to the General Assembly at each session, the amount expended and the purposes to which it was applied ; an accurate statement of the receipts and expenditures of the public money shall be attached to, and published with the laws after each regular session of the General Assembly.

Sec. 29. The General Assembly shall not pass local or special laws, in any of the following enumerated cases, viz.: for extending the time for the collection of taxes, granting divorces, changing the name of any person, providing for the sale of real estate belonging to minors or other persons laboring under legal disabilities, by executors, administrators, guardians, or trustees; giving effect to informal or invalid deeds or wills, refunding money paid into the State Treasury, or releasing persons from their debts or obligations to the State, unless recommended by the Governor or officers of the Treasury Department ; and the General Assembly shall pass no special law for any case for which provision has been made by an existing general law ; the General Assembly at its first session after the adoption of this Constitution, shall pass general laws providing for the cases enumerated in this section, which are not already adequately provided for, and for all other cases where a general law can be made applicable.

Sec. 30. No debt shall be hereafter contracted by the General Assembly, unless such debt shall be authorized by a law providing for the collection of an annual tax or taxes, sufficient to pay the interest on such debt as it falls due; and also, to discharge the principal thereof within fifteen years from the time of contracting the same, and the taxes laid for this purpose, shall not be repealed or applied to any other object, until the said debt and interest thereon shall be fully discharged; the credit of the State shall not in any manner be given or loaned to, or in aid of any individual, association or corporation, nor shall the General Assembly have the power in any mode to involve the State in the construction of works of Internal Improvement, nor in granting any aid thereto, which shall involve the faith or credit of the State, nor make any appropriation therefor, except in aid of the construction of works of Internal Improvement in the counties of St. Mary's, Charles and Calvert, which have had no direct advantage from such works, as have been heretofore aided by the State; and Provided, that such aid, advances or appropriations shall not exceed in the aggregate the sum of three hundred thousand dollars; and they shall not use or appropriate the proceeds of the Internal Improvement companies or of the State tax now levied, or which may hereafter be levied, to pay off the public debt to any other purpose until the interest and debt are fully paid, or the sinking fund shall be equal to the amount of the out-standing debt; but the General Assembly may, without laying a tax borrow an amount never to exceed fifty thousand dollars, to meet temporary deficiencies in the Treasury, and may contract debts to any amount that may be necessary for the defence of the State.

Sec. 31. No extra compensation shall be granted or allowed by the General Assembly to any public officer, agent, servant, or contractor, after the service shall have been rendered, or the contract entered into, nor shall the salary, or compensation of any public officer be increased or diminished during his term of office.

Sec. 32. No Lottery grant shall ever hereafter be authorized by the General Assembly.

Sec. 33. The General Assembly shall pass no law, nor make any appropriation to compensate the masters or claimants of slaves heretofore emancipated from servitude, but may distribute any appropriation made by the United States for that purpose.

Sec. 34. No person shall be imprisoned for debt.

Sec. 35. The General Assembly shall grant no charter for banking purposes, nor renew any banking corporation, now

in existence, except upon the condition, that the stockholders shall be liable, to the amount of their respective share or shares of stock in such banking institution, for all its debts and liabilities, upon note, bill, or otherwise. The books, papers and accounts of all banks shall be open to inspection under such regulations as may be prescribed by law.

Sec. 36. The General Assembly shall enact no law authorizing private property to be taken for public use without just compensation, as agreed upon between the parties, or awarded by a jury, being first paid, or tendered to the party entitled to such compensation, or adequate security shall first be given to such party by the deposit of a sufficient sum of money in such place and manner, and subject to such conditions as may be provided by law.

Sec. 37. Any citizen of this State who shall after the adoption of this Constitution, either in or out of this State, fight a duel with deadly weapons, or send or accept a challenge so to do, or who shall act as a second, or knowingly aid or assist in any manner those offending, shall ever thereafter be incapable of holding any office of profit or trust under this State.

Sec. 38. The General Assembly shall pass laws for the preservation of the purity of elections by the registration of voters, and by such other means as may be deemed expedient.

Sec. 39. The property of the wife shall be protected from the debts of her husband.

Sec. 40. Laws shall be passed by the General Assembly to protect from execution a reasonable amount of the property of the debtor, not exceeding in value the sum of five hundred dollars.

Sec. 41. The General Assembly shall provide a simple and uniform system of charges in the offices of Clerks of Courts and Registers of Wills, in the counties in this State, and the City of Baltimore, and for the collection thereof; *provided* the amount of compensation to any of the said officers in the various counties shall not exceed the sum of three thousand dollars a year, and in the City of Baltimore thirty-five hundred dollars a year over and above office expenses, and compensation to the assistants; and provided further, that such compensation of Clerks, Registers, Assistants and office expenses shall always be paid out of the fees or receipts of the offices respectively.

Sec. 42. The General Assembly shall have power to receive from the United States any grant or donation of land, money or securities for any purpose designated by the United States.

and shall administer or distribute the same according to the conditions of the said grant.

Sec. 43. The General Assembly shall make provisions for all cases of contested elections of any of the officers not herein provided for.

Sec. 44. Corporations may be formed under general laws, but shall not be created by special act, except by municipal purposes, and except in cases where no general laws exist, providing for the creation of corporations of the same general character, as the corporation proposed to be created ; and any act of incorporation passed in violation of this section shall be void. And as soon as practicable after the adoption of this Constitution, it shall be the duty of the Governor to appoint three persons learned in the law, whose duty it shall be to prepare drafts of general laws providing for the creation of corporations, in such cases as may be proper, and for all other cases where a general law can be made ; and for revising and amending so far as may be necessary or expedient, the general laws which may be in existence on the first day of June, eighteen hundred and sixty-seven, providing for the creation of corporations, and for other purposes ; and such draft of laws shall by said Commissioners be submitted to the General Assembly at its first meeting for its action thereon ; and each of said Commissioners shall receive a compensation of five hundred dollars for his services as such Commissioner. All charters granted or adopted in pursuance of this section, and all charters heretofore granted and created, subject to repeal or modification, may be altered from time to time, or be repealed ; *provided*, nothing herein contained shall be construed to extend to bank's, or the incorporation thereof.

Sec. 45. The General Assembly shall have power to regulate by law, not inconsistent with this Constitution, all matters which relate to the Judges of Election, time, place and manner of holding elections in this State, and of making returns thereof.

Sec. 46. It shall be the duty of the General Assembly at its first session held after the adoption of this Constitution to provide by law for the punishment by fine or imprisonment in the Penitentiary, or both, in the discretion of the Court, of any person who shall bribe, or attempt to bribe any Executive, or Judicial officer of the State of Maryland, or any member or officer of the General Assembly of the State of Maryland, or of any municipal corporation in the State of Maryland, or any executive officer of such corporation in order to influence him in the performance of any of his official duties ; and also, to provide by law for the punishment by fine or imprisonment in the Penitentiary, or both, in the discretion of

the Court of any of said officers, or members who shall demand or receive any bribe, fee, reward or testimonial for the performance of his official duties or for neglecting or failing to perform the same; and also, to provide by law for compelling any person so bribing or attempting to bribe or so demanding or receiving a bribe, fee, reward or testimonial to testify against any person or persons who may have committed any of said offences; provided that any person so compelled to testify, shall be exempted from trial and punishment for the offence of which he may have been guilty, and any person convicted of such offence shall, as part of the punishment thereof, be forever disfranchised and disqualified from holding any office of trust or profit in this State.

Sec. 47. The personal property of residents of this State, shall be subject to taxation in the county or city where the resident *bona fide* resides for the greater part of the year for which the tax may or shall be levied, and not elsewhere, except leasehold property and goods and chattels permanently located, which shall be taxed in the city or county where they are so located.

Sec. 48. The General Assembly shall have power to pass all such laws as may be necessary and proper for carrying into execution the powers vested by this Constitution, in any department or office of the Government and the duties imposed upon them thereby.

Which was read the first time, and

Ordered to be printed.

The Convention took up for consideration the unfinished business of yesterday, being the report of the Committee to report upon the Declaration of Rights;

The question recurring upon the fourth Article,

Mr. Alvey submitted the following amendment:

After the end of the last line, add:

“As a free sovereign and independent State.”

Mr. Hayden submitted the following amendment:

Strike out the words “ought to,” in first line,

Which was adopted.

The question then recurring upon the amendment submitted by Mr. Alvey,

Mr. Rennolds demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called and appeared as follows:

AFFIRMATIVE.

Messrs.	Manro,	Janvier,
Carmichael, P't.	Groome,	Riggs,
Kilbourn,	McCormick	Duvall,
Giddings,	Mitchell,	Marbury,
Rennolds,	Brent,	Emack,
Barnes,	Stoddert,	Keating,
Brown,	Goldsborough, D,	Finley,
Ritchie,	Austin,	Ford,
Brewer, B. city,	Hodson,	Dent,
Peters,	Nelson,	Jamison,
Merryman,	McPherson,	Toadvine,
Buchanan,	Johnson,	Goldsborough, T,
Wethered,	Farnandis,	Hollyday,
Kennedy,	Archer,	Bateman,
Starr,	Evans,	Hammond,
Barry,	Rogers,	Alvey,
Parran, John	Silver,	Murray,
Parran, C. S.,	Morris,	Cunningham,
Hardcastle,	Wickes,	Pole,
Tarr, Caroline,	Massey,	Franklin—60.
Hubbard,		

NEGATIVE.

Messrs.	Ferry,	Thomas,
Perry,	Denson,	Mackubin,
Spates,	Bell,	Devries,
Walsh,	Nicolai,	Ringgold,
Roman,	Longwell,	Brewer, Montg'y,
Hoblitzell,	Galt,	Lee,
Hall,	Bennett,	Brooke,
Whitman,	Cover,	Bradley,
George,	Hayden,	Jones,
Vansant,	Chambers,	Page,
Gill,	Howard,	Syester,
Carter,	Cosgrove,	Motter,
Garey,	Wallace,	Tarr, Worc'r,
Dobbin,	Dorsey,	McMaster—43.
Pleasants,	Horsey, of Fred'k	

So the amendment was adopted.

The Convention then proceeded to the consideration of the 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th and 14th Articles ;

Which were severally read.

The Convention then proceeded to the consideration of the 15th Article,

Pending which,

Mr. Keating submitted the following amendment as a substitute for the 15th section :

“Art. 15. That every elector in this State, and every person holding property therein, ought to contribute to the support of the government thereof ;”

Pending the consideration of which,

Mr. Devries submitted the following amendment :

“Ordered, That so much of the 15th Article as relates to the prohibition of a poll tax, be stricken out ;”

Pending the consideration of which,

Mr. Tarr, of Caroline, moved that the Convention do now adjourn ;

Mr. Mitchell moved to amend by adding the words, until Monday next at 12 o'clock.

The question recurring upon the motion of Mr. Mitchell,

Mr. Bateman demanded the yeas and nays ;

Which was sustained.

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs. Kilbourn,	Franck,	Brent,
Giddings,	Merryman,	Hodson,
Whitman,	Starr,	Nelson,
Barnes,	Nicolai,	Thomas,
George,	Parran, John,	Janvier,
Vansant,	Parran, C. S.,	Riggs,
Flaherty,	Ireland,	Brooke,
Henderson,	Manro,	Marbury,
Garey,	Bennett,	Ford,
Brewer, B. City,	Howard,	Dent,
Ferry,	Mitchell,	Jamison.
Peters,—34.		

NEGATIVE.

Messrs.	Tarr, Caroline,	Wickes,
Carmichael, P't.	Hubbard,	Massey,
Perry,	Longwell,	Brewer, of Mont.,
Spates,	Galt,	Lee,
Walsh,	Cover,	Emack,
Hoblitzell,	Hayden,	Keating,
Hall,	Chambers,	Finley,
Rennolds,	Cosgrove,	Bradley,

Gill,	Stoddert,	Jones,
Brown,	Wallace,	Bateman,
Carter,	Dorsey,	Hammond,
Ritchie,	Horsey, Fred'k.	Alvey,
Pleasants,	McPherson,	Murray,
Buchanan,	Johnson,	Cunningham,
Wethered,	Evans,	Motter,
Bell,	Rogers,	Pole,
Kennedy,	Mackubin,	Tarr, Worcester,
Barry,	Devries,	Franklin,
Hardcastle,	Morris,	McMaster.—56.

So the amendment was rejected.

The question then recurring upon the motion to adjourn,

Mr. Tarr withdrew it to enable Mr. Dent to ask leave of absence for one week from the sessions of the Convention;

Which was granted.

On motion,

Leave of absence was also granted to Messrs. Page, Mitchell, Parker, and Brewer, of Baltimore city.

On motion of Mr. Carter,

The Convention at 3¼ o'clock, P. M., adjourned.

SATURDAY, May 25th, 1867.

The Convention met.

Prayer by the Rev. Mr. Hammond,

Present at the call of the roll the following members:

Messrs. Carmichael, (President,) Perry, Spates, Walsh, Hoblitzell, McKaig, Howison, Giddings, Rennolds, Barnes, Vansant, Flaherty, Henderson, Gill, Brown, Carter, Ritchie, Pleasants, Ferry, Peters, Merryman, Wilkinson, Buchanan, Wethered, Bell, Kennedy, Nicolai, Barry, John Parran, Charles S. Parran, Ireland, Hardcastle, Tarr, of Caroline, Hubbard, Longwell, Galt, Cover, Hayden, Chambers, Howard, Cosgrove, Stoddert, Wallace, Goldsborough, of Dorchester, Austin, Hodson, Nelson, McPherson, Johnson, Evans, Rogers, Mackubin, Wickes, Brewer, of Montgomery,

Marbury, Emack, Keating, Finley, Bradley, Ford, Jamison, Toadvine, Jones, Bateman, Hammond, Alvey, Murray, Cunningham, Motter, Pole, Tarr, of Worcester, Franklin, McMaster—72.

The proceedings of yesterday were read and approved.

The President laid before the Convention the following communication from Admiral Gízalong, of the French frigate “Jean Bart :”

[TRANSLATION.]

PRACTICE SHIP “JEAN BART,”
Harbor of Annapolis, May 25th, 1867.

MR. PRESIDENT:—I have the honor to acknowledge the receipt of the letter by which the Secretary of the Convention has announced to me that that Assembly have ordered seats to be reserved upon the floor of the Hall of the Convention for the officers of the “Jean Bart,” who may desire to be present at its sessions. Will you, Mr. President, be my interpreter, and return my thanks to the Convention for this act of courtesy, for which we are profoundly grateful, and accept for yourself the expression of my respectful consideration.

Captain Commanding Practice Ship,

GIZALONG.

*To the President of the Convention,
 of the State of Maryland.*

Which was read and ordered to be entered on the Journal.

The President laid before the Convention the following reports of the clerks to County Commissioners: Prince George’s, Worcester, Washington, Dorchester, Harford and St. Mary’s counties, in response to an order of the Convention :

OFFICE COUNTY COMMISSIONERS

PRINCE GEORGE’S COUNTY.

Upper Marlboro’, May 23d, 1867.

President Con. Convention :

DEAR SIR:—In response to an order of the Constitutional Convention, I report that the aggregate value of property in Prince George’s county, as returned by the Assessors of 1866, was, \$9,018,892—nine million, eighteen thousand, eight hundred and ninety-two.

Respectfully,

GEORGE L. HERBERT, Clerk.

Snow Hill, May 23d, 1867.

Hon. Richard B. Carmichael,

President Constitutional Convention :

SIR :—In reply to circular of the 18th inst., just received this morning, I would state the amount of assessable property in Worcester county, as returned to the County Commissioners by the Assessors of 1866, and corrected by the Commissioners, was \$6,394,865. The amount of property exempted by the Legislature at its session has been stricken off but not yet deducted, but will probably amount to about \$400,000.

Respectfully yours,

JAS. S. JONES, Clerk
to Commissioners of Wor. co., Md.

COUNTY COMMISSIONERS' OFFICE,
Hagerstown, Md. May 24th, 1867.

Hon. R. B. Carmichael,

Pres't Con'l Convention :

SIR :—In obedience to an order passed by the Constitutional Convention made known to me by your favor of the 18th inst., I have the honor to report that the amount of assessable property in this (Washington county), under the Assessment Act, is nineteen millions, seven hundred seventy-seven thousand, nine hundred and eighty dollars (\$19,777,980.)

Respectfully submitted,

JOHN L. SMITH, Clerk.

Cambridge, Md., May 23d, 1867.

Hon. R. B. Carmichael,

Pres't Con. Convention :

SIR :—Amount of assessable property in Dorchester county, Md., under the new assessment act, \$6,310,601.00.

Very respectfully,

JOHN T. JACKSON, Clerk,
to Commis'rs Dorchester county.

OFFICE COUNTY COMMISSIONERS FOR HARFORD COUNTY,
Bel Air, May 23d, 1867.

Hon. Pres't State Constitutional Convention :

DEAR SIR :—In compliance with an order of the Conven-

tion, I herewith transmit a statement of the amount of assessable property of this county as ascertained by the late assessment, viz. :

District No. 1.....	\$1,609,029
District No. 2.....	2,704,260
District No. 3.....	3,460,662
District No. 4.....	2,222,738
District No. 5.....	1,975,082
District No. 6.....	918,262

Total.....\$12,890,033

Respectfully submitted,

JOHN T. SPICER, Clerk.

OFFICE COUNTY COMMISSIONERS FOR ST. MARY'S COUNTY,

May 23d 1867.

Hon. R. B. Carmichael :

SIR:—The aggregate amount of assessable property in this county, as ascertained under the late assessment, is \$3,149,333.

Very respectfully,

JAMES H. WILSON, Clerk,

County Commissioners for St. Mary's county.

Which were read and referred to the Committee upon the Legislative Department.

Also, the Reports of the Clerks to the County Commissioners of Worcester, Carroll and St. Mary's counties, containing statement of the amount levied, to Judges of Orphans' Court for 1866, to State's Attorneys for 1864, 1865, 1866 and 1867, and to Clerks of the Circuit Courts for said counties for the years 1852 to 1866, inclusive ;

Which were read.

Also, the Reports of the Clerks to the Circuit Court for Somerset county, containing statement of the number of cases (civil, criminal and in equity) tried at the several terms of said Court in the years 1865 and 1866 ; also, the number of presentments and indictments found by the Grand Jury of said county, during the years 1864, 1865, 1866 and 1867, and the disposition of the same.

Which were read and severally referred to the Committee upon the Judiciary Department.

Also, the Report of the Clerk to the County Commissioners of Worcester and St. Mary's counties, containing a state-

ment of the amount levied to the President and Commissioners of the Public Schools for said counties for 1866 ;

Which was read and referred to the Committee upon Education.

Also the following memorial :

To the Honorable, the President and the members of the Maryland State Convention, in sovereign convention assembled :

The undersigned, fully satisfied, that he reflects the wishes of many citizens of our State, would respectfully submit to your Honorable Body the expediency of creating the office of a State Historiographer—an officer, who shall be selected, so far as possible, without reference to partizan considerations, and whose principal duty shall consist in the task of collecting and arranging the loose Colonial Papers, examining our early archives, obtaining extracts and transcripts from English State Papers and Records relating to the Province of Maryland, and superintending the publication, in successive quarto or folio volumes, and with a strict adherence to the original text in every particular, of such early documents as will aid the citizen in studying, and the historian in thoroughly illustrating the interesting History of our Colonization. To undertake, in the present inaccessible and chaotic state of our Papers and Records, to write a real History, would involve such sacrifices of time, labor and money, as no historian, however public-spirited or enthusiastic, could reasonably be expected to make. But, by arranging and classifying our documents, multiplying copies through the agency of the Press, and bringing them in contact with the active, living mind of the State, books of history would undoubtedly be produced, of which every son of Maryland could be justly proud. Nor are we without high precedents in favor of the proposed measure.

So early as the reign of William and Mary, England commenced the publication of her old State Papers, and has since gone back to the very days of the Conqueror, including her Doms-Day-Book, and many other documents of the richest and rarest character. New York and other States of the American Union have followed the noble example of England ; and there is no reason why Maryland, which has so large a store-house of early documents, and such a rich mine of historical lore, should lag so far behind her own sister States.

But one of the strongest recommendations in support of the proposed measure, is derived from the present state of our historical literature, so far as it has already come within the agency of the press. The picture is indeed most melancholy. It may be said, without exaggeration, that, while we have

several valuable fragments, with two or three good skeletons, there is nothing, which deserves the name, in the fullest, truest and most satisfactory sense, of a history of the Colonization of Maryland. The little, also, which has been done in the field of strictly original illustration, either by the State Government or by our Historical Society, is really so trifling as hardly to be worthy of a mention; many a son of the State is made to blush when he reflects upon so sad a decay of the historical instinct, in all classes of society; and so far has the taste for history declined, that the habit often prevails of regarding our early History in the light of a branch, merely, of Archæology. But our countryman, Geo. Peabody, whose large heart so warmly throbs in unison with the great popular movements and active enterprises of the present age, did, nevertheless, but the other day make the most liberal provision for illustrating the history even of extinct tribes and nations of North American Indians; and there remains, it is respectfully and earnestly submitted, a much higher obligation, on the part of Marylanders, to provide the means for a proper illustration of the history of their own ancestors. A State can never be really prosperous without a warm and loving sympathy for the Past. No State can be properly civilized, which has lost any of her noble traditions. No State, indeed, can be truly great which is not inspired with her proudest and best historic recollections—which has never yet been baptized in the living font of her own real History.

Respectfully submitted,

GEO. L. L. DAVIS.

Baltimore, May 21, 1867.

Which was read, and,

On motion of Mr. Ritchie,

Ordered to be printed, and referred to the Committee upon the Legislative Department.

Mr. Nicolai submitted the following order :

Ordered, That the Comptroller of Baltimore city report to this Convention the amount of fees paid by him for removed cases to Baltimore county, and to whom paid, for the years 1865 and 1866,

Which was adopted.

The Convention then resumed the consideration of the order of the day, being the Report of the Committee upon the Declaration of Rights.

The question recurred upon the following amendment to the 15th Article, submitted by Mr. Devries, viz. :

That so much of the 15th Article as relates to the prohibition of a poll tax be stricken out.

Pending the consideration of which,

On motion of Mr. Wickes,

The Convention, at 2½ o'clock, P. M., adjourned.

MONDAY, May 27, 1867.

The Convention met.

Prayer by Rev. Mr. Henderson.

Present at the call of the roll the following members :

Messrs. Carmichael, (President,) Perry, Spates, Walsh, Hoblitzell, McKaig, Howison, Hall, Kilbourn, Giddings, Rennolds, George, Vansant, Flaherty, Henderson, Gill, Brown, Carter, Ritchie, Garey, Dobbin, Brewer, of Baltimore city, Peters, Franck, Buchanan, Wethered, Bell, Barry, Parran, John Parran C. S., Ireland, Hardcastle, Tarr, of Carolina, Hubbard, Longwell, Manro, Galt, Hayden, Chambers, Howard, Cosgrove, Stoddert, Hodson, Nelson, McPherson, Johnson, Rogers, Mackubin, Devries, Wickes, Brewer, of Montgomery, Riggs, Duvall, Lee, Marbury, Keating, Finley, Bradley, Ford, Jamison, Toadvine, Jones, Goldsborough, of Talbot, Murray, Cunningham, Motter, Pole, Tarr, of Worcester, Franklin, McMaster—69.

The proceedings of Saturday were read and approved.

The President laid before the Convention the following reports from the Clerks to the County Commissioners of Kent and Talbot counties :

KENT COUNTY COMMISSIONERS OFFICE,

May 24, 1867.

HON. R. B. CARMICHAEL

Sir :—The aggregate amount of property assessed in this county in 1866 was \$8,021,287. The property exempted by the last Legislature will reduce the amount considerably.

The Assessment and Basis of Taxation for 1866 was \$5,-
466,109.

Respectfully,

JOHN RUSSELL, Clerk.

COMMISSIONERS OFFICE TALBOT COUNTY, Md.

May 25, 1867.

HON. R. B. CARMICHAEL,

Pres't. Con. Convention :

Sir :

Amount of assessable property as returned by the Assessor and corrected by the County Commissioners.....	\$8,344,576 00
Property exempt by Act passed January session, 1867, of the General Assembly.....	351,496 00
Balance—true amount.....	\$7,993,080 00

I hereby certify that the foregoing statement is correct.

M. G. FEDDEMAN, Clerk.

Which were read, and

Referred to the Committee upon the Legislative Department.

Also, the reports of the said Clerks containing statement of the amounts levied and paid to Clerks of Circuit Courts from 1852 to 1866, and State's Attorneys for 1864, '65 and '66, in their respective counties ;

Which were read.

Also, the reports of said Clerks showing the amounts levied to the President and Commissioners of Public Schools for said counties for 1866 ;

Which were read, and

Referred to the Committee upon Education.

Also the report of the Clerk to County Commissioners of Calvert county, exhibiting amounts paid Judges of the Orphan's Court for 1866 ; amount paid State's Attorneys for 1864, 1865, and 1866 ; amount paid Clerk of Circuit Court from 1852 to 1866, inclusive ;

Which were read.

Also, the amount paid to President and Commissioners of Board of Public Schools for said county in 1866 ;

Which was read, and

Referred to the Committee upon Education.

Also, the reports of the Clerks of the Circuit Courts for Talbot and Calvert counties, exhibiting the number of indictments found in said Courts for 1864, 1865, 1866 and 1867, also the number of cases tried in said Courts in the years 1865 and 1866;

Which were read, and

Severally referred to the Committee upon the Judiciary Department.

The Convention then took up for consideration the order of the day, being,

The Report of the Committee to consider and report upon the Declaration of Rights;

The question recurring upon the amendment submitted by Mr. Devries, to the fifteenth article of said Report;

Pending the consideration of which,

Mr. Buchanan moved a call of the House;

Which was sustained.

Upon the call of the roll, the following members responded to their names:

Messrs. Carmichael, (President,) Perry, Spates, Walsh, Hoblitzell, Howison, Hall, Kilbourn, Giddings, Rennolds, George, Vansant, Flaherty, Henderson, Gill, Brown, Carter, Ritchie, Garey, Dobbin, Brewer, of Baltimore city, Peters, Franck, Buchanan, Wethered, Bell, Barry, Hardcastle, Tarr, of Caroline, Hubbard, Longwell, Galt, Hayden, Chambers, Howard, Cosgrove, Stoddert, Hodson, Nelson, McPherson, Johnson, Mackubin, Devries, Wickes, Brewer, of Montgomery, Riggs, Duvall, Lee, Marbury, Keating, Finley, Bradley, Ford, Jamison, Toadvine, Jones, Goldsborough, of Talbot, Alvey, Murray, Cunningham, Motter, Pole, Tarr, of Worcester, Franklin, McMaster—65.

On motion of Mr. Duvall,

All further proceedings under the call were dispensed with.

The question then recurring upon the adoption of the amendment submitted by Mr. Devries,

Mr. Stoddert demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called and appeared as follows:

AFFIRMATIVE.

Messrs.	Howard,	Keating,
Hall,	Cosgrove,	Ford,
Brown,	Stoddert,	Tarr, Wor.—10.
Chambers,	Devries,	

NEGATIVE.

Messrs.	Dobbin,	Wickes,
Carmichael, P't.	Brewer, Balt. city,	Brewer, of Mont.,
Perry,	Peters,	Riggs,
Spates,	Franck,	Duvall,
Walsh,	Buchanan,	Lee,
Hoblitzell,	Wethered,	Marbury,
McKaig,	Bell,	Finley,
Howison,	Barry,	Bradley,
Kilbourn,	Hardcastle,	Jamison,
Giddings,	Tarr, of Caroline,	Toadvine,
Rennolds,	Hubbard,	Jones,
George,	Longwell,	Goldsborough, T.,
Vansant,	Galt,	Alvey,
Flaherty,	Hayden,	Murray,
Henderson,	Hodson,	Cunningham,
Gill,	Nelson,	Motter,
Carter,	McPherson,	Pole,
Ritchie,	Johnson,	Franklin,
Garey,	Mackubin,	McMaster—56.

So the amendment was rejected.

Mr. Carter submitted the following amendment:

“That the levying of taxes by poll is greivous and oppressive, and ought to be prohibited; that paupers ought not to be assessed for the support of the Government, but every person in the State owning property, and every person holding property therein, ought to contribute a just proportion of public taxes for the support of the Government; yet, fines, duties or taxes may properly and justly be imposed or laid with a political view for the good government and benefit of the community;

Which was rejected.

The Convention then proceeded to the consideration of the 16th Article of the Report;

Pending which,

On motion of Mr. Marbury,

The Convention at 3 o'clock, P. M., adjourned.

TUESDAY, May 28, 1867.

The Convention met.

Prayer by Rev. Mr. Henderson.

Present at the call of the roll the following members :

Messrs. Carmichael, (President,) Perry, Spates, Walsh, Hoblitzell, McKaig, Howison, Hall, Kilbourn, Giddings, Rennolds, Whitman, Barnes, Flaherty, Henderson, Gill, Brown, Carter, Ritchie, Garey, Dobbin, Pleasants, Brewer, of Baltimore city, Ferry, Peters, Franck, Denson, Wilkinson, Buchanan, Wethered, Bell, Kennedy, Nicolai, Starr, Barry, John Parran, Charles S. Parran, Ireland, Hardcastle, Tarr, of Caroline, Hubbard, Watkins, of Caroline, Longwell, Manro, Galt, Hayden, Chambers, Howard, Groome, McCormick, Cosgrove, Mitchell, Stoddert, Wallace, Goldsborough, of Dorchester, Hodson, Nelson, Dorsey, Horsey, of Frederick, McPherson, Thomas, Johnson, Farnandis, Archer, Evans, Rogers, Mackubin, Devries, Morris, Wickes, Ringgold, Massey, Janvier, Brewer, of Montgomery, Riggs, Duvall, Lee, Brooke, Marbury, Emack, Keating, Finley, Bradley, Ford, Jamison, Toadvine, Jones, Goldsborough, of Talbot, Hollyday, Bateman, Hammond, Alvey, Murray, Motter, Pole, Tarr, of Worcester, Franklin, McMaster—97.

The proceedings of yesterday were read and approved.

The President appointed Thomas G. Watkins, of Howard county, Assistant Folder, who appeared and was duly qualified.

The President laid before the Convention the Report of the State Superintendent of Public Instruction

Which was read, and

Referred to the Committee on Education.

Also, the report of the Circuit Court of St. Mary's county, in response to an order of the Convention, containing statement of number of cases tried by said Court, for the years 1865 and 1866 ;

Which was read, and

Referred to the Committee upon the Judiciary Department.

Also, a communication from A. Watson, Esq., of Washington city, recommending an Article to be inserted in the Constitution, forbidding the crime of Nepotism ;

Which was read, and,

On motion of Mr. Rennolds,

Referred to the Committee upon the Legislative Department.

Mr. Pleasants presented the following memorial of A. Schumacher, Esq., President of the Board of Trade, Baltimore city :

To the Honorable, The President and Members of the Constitutional Convention, assembled at Annapolis, to form a Constitution for the State of Maryland :

This memorial of the Board of Trade of the city of Baltimore, would most respectfully urge upon your Honorable Body the consideration of their view that, in the adoption of any provision in the proposed Constitution, relating to the rate of interest in this State, such rate, in cases of open accounts, or in the absence of special contract, should be fixed at seven (7) per cent.; that in all other cases the rate should be left to the adjustment of the contracting parties, and that any legislation in conflict with these principles be prohibited.

The reasons for these changes in the organic law are obvious to all business men and doubtless as well understood by your Honorable Body, as they are by your memorialists, they would crave permission, however, briefly to present some of them in this succinct form, as a justification for their appeal to you at this time.

As to the legal rate in open accounts, or in cases where there is no contract, it is respectfully submitted that the present rate of six (6) per cent. has the tendency not only to prevent foreign capital from coming to our State, but also drives a large amount of our own capital from this State, to seek investment in New York, where the legal rate is seven (7) per cent., and where lenders can thus generally obtain one per cent. more, in equal securities, than the legal rate in our State.

And as to the second proposition, they urge that it reflects the sentiment of our entire commercial community which is against such restrictions.

Usury and sumptuary laws, like bounty and colonial laws, have had their day and generation ; experience has long since demonstrated their utter futility. Such laws, ostensibly intended to protect the industrial classes, only serve to oppress them, inasmuch as they are not the borrowers, but, in their savings banks, even to some extent, lenders.

The large borrowers are the railway companies, manufacturing and other corporations. The small borrower does not now get his money at six per cent., but often is obliged to buy it in his building associations (of which there are hundreds) at the highest rate which is bid for it at auction. The

buyer of a promissory note can fix his own rate, while the lender of money is limited by law to six per cent.

The very law invites disobedience to itself; it encourages its own violation and causes exactions to pay for the dispute attached to its infraction; and it serves only to sharpen the arts of men to find shifts to evade a statute which is not sanctioned by the moral sense of the community.

It barely received the support of that body of eminent citizens who framed the Constitution of 1851, for the section in reference to the rate of interest was adopted only by a majority of ten votes. It was opposed then, as in all other instances, by the landed proprietors, under the mistaken idea that prohibitory clauses secured to them money at low rates, on mortgage.

In England, people have learned what doubtless is seen here now, that the law of supply and demand regulates money the same as all other commodities, and that the greater the attraction offered to capital, the more plentiful it becomes. In 1839, the first step taken in England towards the repeal of the usury laws was only partially successful; yet, under the powerful arguments of Jeremy Bentham, aided by the eloquence of John Stuart Mill, and others, these laws have since been entirely abolished.

In California and Rhode Island they have likewise been expunged from the statute book. Like imprisonment for debt, the usury laws belong to the past, and should be blotted from our Code.

With great respect, therefore, your memorialists urge upon your Honorable Body the adoption of the views which are herein only imperfectly expressed, and they will ever pray, &c., &c.

GEO. U. PORTER,

Secretary.

A. SCHUMACHER,

President Board of Trade.

Baltimore, May 20th, 1867.

Which was read, ordered to be printed, and,

On motion of Mr. Pleasants,

Referred to the Committee to Consider and Report upon the Usury Laws, and the Rates of Interest.

Mr. Tarr, of Worcester, presented the petition of H. Humphreys, Wm. S. Parsons, William Birkhead and 281 others, in relation to the formation of a new county, to be composed of parts of Somerset and parts of Worcester county;

Which was read, and referred to the Committee upon a Proper Basis of Representation in the Two Houses of the

General Assembly and a Proper Apportionment of Representatives in the Same.

Mr. Wilkinson submitted the following order :

Ordered, That the Committee on Public Works and Corporations be requested to inquire into the expediency of levying a tax upon the receipts of all corporations transacting business in this State which are incorporated in other States, the proceeds of such tax to be appropriated to the use of the public schools, or such other use as the Convention may decide ;

Which was adopted.

Mr. Wilkinson submitted the following order :

Ordered, That the Committee upon the Executive Department be requested to consider the propriety of incorporating a provision in the Constitution precluding all preachers of the Gospel and teachers of religious creeds or denominations from holding any office within the appointing power of the Executive ;

Which was adopted.

Mr. Stoddert, Chairman of the Committee upon the Executive Department, submitted the following

REPORT:

Section 1. The Executive power of the State shall be vested in a Governor whose term of office shall commence on the second Wednesday of January next ensuing his election, and continue for four years, and until his successor shall have qualified, but the Governor chosen at the first election under this Constitution shall not enter upon the discharge of the duties of the office until the expiration of the term for which the present incumbent was elected, unless the said office shall become vacant by death, resignation, removal from the State, or other disqualification of the said incumbent.

Sec. 2. An election for Governor under this Constitution shall be held on the Tuesday next after the first Monday of November, in the year eighteen hundred and sixty-eight, and on the same day and month in every fourth year thereafter, at the place of voting for Delegates to the General Assembly, and every person qualified to vote for Delegates shall be qualified and entitled to vote for Governor ; the election to be held in the same manner as the election of Delegates, and the returns thereof under seal, to be addressed to the Speaker of the House of Delegates, and enclosed and transmitted to the Secretary of State, and delivered to said Speaker at the

commencement of the session of the General Assembly next ensuing said election.

Sec. 3. The Speaker of the House of Delegates shall then open the said returns in the presence of both houses, and the person having the highest number of votes, and being constitutionally eligible, shall be the Governor, and shall qualify in the manner herein prescribed on the second Wednesday of January next ensuing his election, or as soon thereafter as may be practicable.

Sec. 4. If two or more persons shall have the highest and an equal number of votes for Governor, one of them shall be chosen Governor by the Senate and House of Delegates, and all questions in relation to the eligibility of Governor, and to the returns of said election, and to the number and legality of votes therein given shall be determined by the House of Delegates, and if the person or persons having the highest number of votes be ineligible, the Governor shall be chosen by the Senate and House of Delegates; every election of Governor by the General Assembly shall be determined by a joint majority of the Senate and House of Delegates, and the vote shall be taken *viva voce*. But if two or more persons shall have the highest and an equal number of votes, then a second vote shall be taken which shall be confined to the persons having an equal number, and if the vote should again be equal, then the election for Governor shall be determined by lot between those who shall have the highest and an equal number on the first vote.

Sec. 5. A person to be eligible to the office of Governor must have attained the age of thirty years, and must have been for ten years a citizen of the United States, and for five years next preceding his election a resident of the State.

Sec. 6. In case of the death or resignation of the Governor, or of his removal from the State, the General Assembly, if in session, or if not, at their next session, shall elect some other qualified person to be Governor for the residue of the term for which the said Governor had been elected.

Sec. 7. In case of any vacancy in the office of Governor during the recess of the Legislature, the President of the Senate shall discharge the duties of said office until a Governor is elected, as herein provided for, and in case of the death or resignation of said President, or of his removal from the State, or of his refusal to serve, then the duties of said office shall in like manner, and for the same interval, devolve upon the Speaker of the House of Delegates, and the Legislature may provide by law for the impeachment of the Governor, and in case of his conviction or his inability, may declare what person shall perform the executive duties; and for

any vacancy in said office not herein provided for provision may be made by law ; and if such vacancy should occur without such provision being made, the Legislature shall be convened by the Secretary of State for the purpose of filling said vacancy.

Sec. 8. The Governor shall be the commander-in-chief of the land and naval forces of the State, and may call out the militia to repel invasions, suppress insurrections, and enforce the execution of the laws, but shall not take the command in person without the consent of the Legislature.

Sec. 9. He shall take care that the laws are faithfully executed.

Sec. 10. He shall nominate, and by and with the advice and consent of the Senate, appoint all civil and military officers of the State, whose appointment or election is not otherwise herein provided for, unless a different mode of appointment be prescribed by law creating the office.

Sec. 11. In case of any vacancy during the recess of the Senate, in any office which the Governor has power to fill, he shall appoint some suitable person to said office whose commission shall continue in force until the end of the next session of the Legislature, or until some other person is appointed to the same office, which ever shall first occur, and the nomination of the person thus appointed during the recess, or of some other person in his place, shall be made to the Senate within thirty days after the next meeting of the Legislature.

Sec. 12. No person after being rejected by the Senate shall be again nominated for the same office at the same session, unless at the request of the Senate, or be appointed to the same office during the recess of the Legislature.

Sec. 13. All civil officers appointed by the Governor and Senate shall be nominated to the Senate within fifty days from the commencement of each regular session of the Legislature, and their term of office shall commence on the first Monday of May next ensuing their appointment, except the Inspectors of Tobacco, which shall commence on the first Monday of March, and continue for two years, (unless removed from office,) and until their successors respectively qualify according to law.

Sec. 14. The Governor may suspend or arrest any military officer of the State for disobedience of orders, or other military offence, and may remove him in pursuance of the sentence of a court-martial ; and may remove for incompetency or misconduct, all civil officers who received appointment from the Executive for a term of years.

Sec. 15. The Governor shall convene the Legislature or the Senate alone, on extraordinary occasions; and whenever from the presence of an enemy or from any other cause, the seat of Government shall become an unsafe place for the meeting of the Legislature, he may direct their sessions to be held at some other convenient place.

Sec. 16. To guard against hasty or partial legislation and encroachments of the legislative department upon the co-ordinate Executive and Judicial Departments, every bill which shall have passed the House of Delegates and the Senate, shall, before it becomes a law, be presented to the Governor of the State; if he approve he shall sign it, but if not he shall return it with his objections to the House in which it originated, who shall enter the objections at large on their journal, and proceed to consider it; if after such reconsideration two-thirds of the House shall agree to pass the bill, it shall be sent to the other House by which it shall likewise be reconsidered, and if approved by that House, it shall become a law; but in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill, shall be entered on the journal of each House respectively; if any bill shall not be returned by the Governor within ten days (Sundays excepted) the same shall be a law in like manner as if he signed it, unless the General Assembly shall, by adjournment, prevent it.

Sec. 17. It shall be the duty of the Governor semi-annually, and oftener, to examine the bank books, account books and official proceedings of the Treasurer and Comptroller of the State on their oaths.

Sec. 18. He shall from time to time inform the Legislature of the condition of the State, and recommend to their consideration such measures as he may judge necessary and expedient.

Sec. 19. He shall have power to grant reprieves and pardons except in cases of impeachment, and in cases in which he is prohibited by other articles of this Constitution, and to remit fines and forfeitures for offences against the State; but shall not remit the principal or interest of any debt due the State except in cases of fines and forfeitures; and before granting a *nolle prosequi* or pardon, he shall give notice in one or more newspapers, of the application made for it, and the day on or after which his decision will be given; and in every case in which he exercises this power he shall report to either branch of the Legislature whenever required, the petitions, recommendations and reasons which influenced his decision.

Sec. 20. The Governor shall reside at the seat of Government and receive for his services an annual salary of four thousand five hundred dollars.

Sec. 21. When the public interest requires it he shall have power to employ counsel who shall be entitled to such compensation as the Legislature may allow in each case, after the services of such counsel shall have been performed.

Sec. 22. A Secretary of State shall be appointed by the Governor, by and with the advice and consent of the Senate, who shall continue in office, unless sooner removed by the Governor, till the end of the official term of the Governor from whom he received his appointment, and receive an annual salary of one thousand five hundred dollars.

Sec. 23. He shall carefully keep and preserve a record of all official acts and proceedings, (which may at all times be inspected by a committee of either branch of the Legislature,) and shall perform such other duties as may be prescribed by law, or as may properly belong to his office.

Which was read the first time, and,

On motion of Mr. Stoddert,

Ordered to be printed.

Mr. Stoddert moved to make the Report the order of the day for Thursday next, 30th inst., at 2 o'clock, P. M.

On motion of Mr. Carter,

The Report was made the order of the day for Friday next, 31st inst., at 1 o'clock, P. M.

Mr. Tarr, of Worcester, submitted the following Minority Report from the Committee upon the Executive Department:

REPORT:

We, the members of the Executive Committee, beg leave respectfully to submit the following as a Minority Report:

The State shall be divided into three districts, St. Mary's, Charles, Calvert, Prince George's, Anne Arundel, Montgomery and Howard counties; and the city of Baltimore, to be the first; the eight counties of the Eastern Shore to be the second; and Baltimore, Harford, Frederick, Washington, Allegany and Carroll counties to be the third. The Governor, who was elected from the first district at the last election, shall continue in office during the term for which he was elected. The Governor shall be taken from the second district at the first election of Governor under this Constitution; from the third district at the second election; and from

the first district at the third election ; and in like manner, afterwards, from each district in regular succession.

J. HOPKINS TARR,
THOMAS PERRY.

Which was read the first time, ordered to be printed, and made the order of the day for Friday next, 31st inst., at 2 o'clock, P. M.

Mr. Denson, by unanimous consent, submitted the following order :

Ordered, That had Isaac M. Denson been present when the vote was taken, on yesterday, on the 15th Article of the Bill of Rights, he would have voted for said Article as it came from the Committee ;

Which was adopted.

Mr. Barnes, by unanimous consent, submitted the following order :

Ordered, That had John H. Barnes, who was absent on business of the Convention, been present on yesterday, he would have voted against the several propositions allowing a poll tax ;

Which was adopted.

The Convention then resumed the consideration of the order of the day,

Being the Report of the Committee upon the Declaration of Rights.

Pending the consideration of the 16th Article of the Report,

Mr. Stoddert submitted the following amendment as a substitute for 16th Article :

Article 16. The patronage and expenses of the government of the State have increased, are increasing, and ought to be diminished, and a wise economy established and enforced in every branch of the public service by the several departments of the government ;

Which was rejected.

The Convention then proceeded to the consideration of the 17th Article ;

Pending which,

Mr. Jones submitted the following amendment :

Add at last of 17th Article, "nor any retrospective oath or restriction be imposed or required ;"

Which was adopted.

The 18th, 19th, 20th, 21st and 22d Articles were then read.

The Convention then proceeded to the consideration of the 23rd Article ;

Pending which,

Mr. Hollyday submitted the following amendment :

Add at end of Article 23, "on any pretext whatever;"

Which was rejected.

The Convention then proceeded to the consideration of the 24th Article ;

Pending which,

Mr. Ritchie moved to strike out the entire section ;

Pending the consideration of which,

On motion of Mr. Wethered,

At 3 o'clock P. M. the Convention adjourned.

WEDNESDAY, May 29, 1867.

The Convention met.

Prayer by the Rev. Mr. Burke.

Present at the call of the roll the following members :

Messrs. Carmichael, (President,) Alvey, Archer, Barnes, Barry, Bateman, Bell, Bennett, Bradley, Brewer, of Baltimore city, Brewer, of Montgomery, Brooke, Brown, Buchanan, Carter, Chambers, Cosgrove, Cover, Denson, Devries, Dobbin, Dorsey, Duvall, Emack, Evans, Farnandis, Ferry, Finley, Flaherty, Ford, Franck, Franklin, Galt, Garey, George, Giddings, Gill, Goldsborough, of Dorchester, Goldsborough, of Talbot, Groome, Hall, Hammond, Hardcastle, Hayden, Henderson, Hoblitzell, Hodson, Hollyday, Horsey, of Frederick, Howard, Howison, Hubbard, Ireland, Jamison, Janvier, Johnson, Jones, Keating, Ken-

nedey, Kilbourn, Lee, Longwell, Mackubin, Manro, Massey, Maulsby, McCormick, McKaig, McMaster, Merryman, Mitchell, Morris, Murray, Nelson, Nicolai, Page, Charles S. Parran, John Parran, Perry, Peters, Pleasants, Pole, Rennolds, Rider, Riggs, Ringgold, Ritchie, Rogers, Silver, Spates, Starr, Stoddert, Syester, Tarr, of Caroline, Tarr, of Worcester, Thomas Toadvine, Vansant, Wallace, Walsh, Watkins, of Caroline, Wethered, Whitman, Wickes, Wilkinson.—104.

The proceedings of yesterday were read and approved.

The President laid before the Convention the Report of the Clerk of the Circuit Court for Prince George's county, containing statement of the number of cases tried in said Court for the years 1865 and 1866, and number of indictments found for 1865, 1866 and 1867 ;

Which were read and referred to the Committee upon the Judiciary Department.

Also, the Report of the Clerk of County Commissioners of Queen Anne's county, showing the amount of the assessable property in said county under the late assessment :

OFFICE OF THE COUNTY COMMISSIONERS,
FOR QUEEN ANNE'S COUNTY,
Centreville, May 25, 1867.

Hon. R. B. Carmichael,

President Constitutional Convention :

SIR :—In reply to the annexed order, I have the honor to state that the aggregate amount of assessable property in Queen Anne's county under the assessment of 1866, is eight million eight hundred and twenty-eight thousand six hundred and fifty-six dollars, (\$8,828,656 00.)

Your obedient servant,

JAMES WOOTERS, Clerk.

Which was read and referred to the Committee upon the Judiciary Department.

Mr. Syester submitted the following order :

Ordered, That the Clerks of the County Commissioners of the several counties in the State be, and they are hereby respectfully requested to furnish to this Convention, at as early a day as practicable, a statement of all moneys paid or ordered to be paid to the several Registers and their Clerks, in the several counties, for services in registering the voters in their Election Districts ; and also, all moneys paid or ordered to be paid, for printing lists of registered voters, under the Registry Laws of this State since their adoption ;

Which was adopted.

Mr. Carter submitted the following order :

Ordered, That the hour of meeting of this Convention, on and after Thursday May 30, shall be half-past ten o'clock, A. M.

Which was adopted.

Mr. Nicolai submitted the following order :

Ordered, That Rule No. 48 be suspended, and that hereafter the roll shall be called by counties, in alphabetical order ;

Which was read the first time.

Mr. Vansant submitted the following order :

Ordered, That debate upon amending reports of Standing or Special Committees shall be limited to fifteen minutes for each speech, provided that the chairman of a Standing or Special Committee, when the report of the Committee of which he may be the chairman, shall be before the Convention on its second reading, may be allowed twenty minutes for each speech ;

Mr. Mitchell submitted the following amendment as a substitute therefor :

Ordered, That no member of this Convention shall be permitted to speak on any question before this Convention more than thirty minutes, or to speak a second time on the same subject more than five minutes ;

Which was rejected.

The question then recurring upon the adoption of the order submitted by Mr. Vansant,

It was adopted.

Mr. Barry, Chairman of the Committee upon the Attorney General and State's Attorney's, submitted the following

REPORT :

Section 1. There shall be an Attorney General appointed and nominated by the Governor, by and with the advice and consent of the Senate, who shall hold his office during the term of the Governor by whom he shall have been appointed, and until his successor shall be appointed and qualified, and shall be subject to removal by the Governor, on a hearing for incompetency, willful neglect of duty or misdemeanor in office, or on conviction in a Court of Law for any of said causes.

Sec. 2. It shall be the duty of the Attorney General to prosecute and defend on the part of the State, all cases which at the time of his appointment and qualification, and which thereafter may be depending in the Court of Appeals or in the Supreme Court of the United States, by or against the State, or wherein the State may be interested, and he shall give his opinion in writing; whenever required by the General Assembly or either branch thereof, the Governor, the Comptroller, the Treasurer or any State's Attorney on any legal matter or subject depending before them, or either of them, and when required by the Governor or the General Assembly; he shall aid any State's Attorney in prosecuting any suit or action brought by the State in any Court of this State, and he shall commence and prosecute or defend any suit or action in any of said Courts on the part of the State which the General Assembly or the Governor acting according to law shall direct to be commenced, prosecuted or defended, and he shall receive for his services an annual salary of three thousand dollars, but he shall not be entitled to receive any fees, perquisites or rewards whatever in addition to the salary aforesaid for the performance of any official duty, nor have power to appoint any agent, representative or deputy, under any circumstances whatever.

Sec. 3. No person shall be eligible to the office of Attorney General who has not resided and practiced law in this State for at least ten years next preceding his appointment.

Sec. 4. In case of vacancy in the office of Attorney General occasioned by death, resignation or his removal from the State, or his conviction, as hereinbefore specified, the said vacancy shall be filled by the Governor for the residue of the term thus made vacant.

Sec. 5. It shall be the duty of the Clerk of the Court of Appeals and the Commissioner of the Land Office, respectively, whenever a case shall be brought into said Court or Office in which the State is a party, or has interest, immediately to notify the Attorney General thereof.

THE STATE'S ATTORNEYS.

Sec. 6. There shall be an Attorney for the State in each county and the city of Baltimore, to be styled "The State's Attorney," who shall be elected by the voters thereof, respectively, on the _____ day of _____ and on the same day every fourth year thereafter, and shall hold his office for four years from the first Monday in January next ensuing his election, and until his successor shall be elected and qualified, and shall be re-eligible thereto, and be subject to removal therefrom for incompetency, willful neglect of duty or misdemeanor in office on conviction in a Court

of Law or on a vote of two-thirds of the Senate on there commendation of the Attorney General.

Sec. 7. All elections for the State's Attorney shall be certified to and returns made thereof by the clerks of the said counties and city, to the Judges thereof having criminal jurisdiction, respectively, whose duty it shall be to decide upon the elections and qualifications of the persons returned, and in case of a tie between two or more persons, to designate which of said persons shall qualify as State's Attorney, and to administer the oaths of office to the person elected.

Sec. 8. The State's Attorney shall perform such duties and receive such fees and commissions as are now or may hereafter be prescribed by law, and retain for his services out of such fees and commissions a sum not exceeding five thousand dollars in any one year, and if any State's Attorney shall receive any other fee or reward than such as is or may be allowed by law, he shall, on conviction thereof, be removed from office; *provided*, that the State's Attorney for Baltimore city shall have power to appoint one deputy, at a salary of not more than fifteen hundred dollars per annum, to be paid by the State's Attorney out of the fees of his office, as has heretofore been practiced.

Sec. 9. No person shall be eligible to the office of State's Attorney who has not been admitted to practice law in this State, and who has not resided for at least one year in the county or city in which he may be elected.

Sec. 10. In case of vacancy in the office of State's Attorney, or of his removal from the county or city in which he shall have been elected, or on his conviction as herein specified, the said vacancy shall be filled by the Judge of the county or city respectively, having criminal jurisdiction in which said vacancy shall occur, for the residue of the term thus made vacant.

Sec. 11. The State's Attorney in each county and the city of Baltimore shall have authority to collect and give receipt in the name of the State for such sums of money as may be collected by him, and forthwith make return of and pay over the same to the proper accounting officer; and the State's Attorney of each county and the city of Baltimore, before he shall enter on the discharge of his duties shall execute a bond to the State of Maryland for the faithful performance of his duties, in the penalty of ten thousand dollars, with two or more securities, to be approved by the Judge of the Court having criminal jurisdiction in said counties or city.

Which was read the first time, and ordered to be printed.

Mr. Farnandis, Chairman of the Committee upon Education, submitted the following

REPORT:

Section 1. The General Assembly at its first session after the adoption of this Constitution, shall by law establish throughout the State a thorough and efficient system of free Public Schools, and shall provide by taxation or otherwise for their maintenance.

Sec. 2. The system of Public Schools as now constituted shall remain in force until the end of the said first session of the General Assembly, and shall then expire, except so far as adopted or continued by the General Assembly.

Sec. 3. The School Fund of the State shall be kept inviolate, and appropriated only to the purposes of education.

Which was read the first time and ordered to be printed.

The Convention then resumed the consideration of the unfinished business of yesterday,

Being the report of the Committee to consider and report upon the Declaration of Rights.

The question recurring upon the motion of Mr. Ritchie, to strike out the 24th Article,

Mr. Jones submitted the following amendment as a substitute for the amendment submitted by Mr. Ritchie:

Art. 24. That slavery shall not be re-established in this State, but, having been abolished under the policy and authority of the United States, compensation, in consideration thereof, is due from the United States.

Pending the consideration of which,

Mr. Vansant moved the previous question,

The question then being,

“Shall the main question be now put,”

It was sustained,

The question then recurring upon the amendment submitted by Mr. Jones,

Mr. Nelson demanded the yeas and nays,

The demand being sustained,

The yeas and nays were ordered and appeared as follows

AFFIRMATIVE.

Messrs.	George,	McCormick,
Carmichael, P't,	Giddings,	McKaig,
Alvey,	Gill,	McMaster,
Austin,	Goldsborough, D.	Merryman,
Barry,	Groome,	Mitchell,
Bateman,	Hall,	Morris,
Bell,	Hardcastle,	Murray,
Bennet,	Hayden,	Parran, C. S.,
Bradley,	Henderson,	Parran, John,
Brewer, Mont.,	Hoblitzell,	Pleasants,
Brooke,	Hodson,	Pole,
Buchanan,	Hollyday,	Riggs,
Carter,	Horse, of Fred.	Ringgold,
Chambers,	Howard,	Rogers,
Cover,	Ireland,	Silver,
Denson,	Janvier,	Syester,
Devries,	Johnson,	Tarr, Caroline,
Dobbin,	Jones,	Tarr, of W.,
Dorsey,	Keating,	Thomas,
Emack,	Kennedy,	Toadvine,
Evans,	Kilbourn,	Vansant,
Ferry,	Lee,	Wallace,
Finley,	Longwell,	Walsh,
Franck,	Mackubin,	Watkins, of Car.
Franklin,	Manro,	Whitman,
Galt,	Massey,	Wickes—79.
Garey,	Maulsby,	

NEGATIVE.

Messrs.	Hammond,	Rennolds,
Archer,	Hubbard,	Rider,
Brewer, of B. city	Jamison,	Ritchie,
Brown,	Nelson,	Spates,
Cosgrove,	Nicolai,	Starr,
Duvall,	Page,	Stoddert,
Farnandis,	Perry,	Wethered,
Ford,	Peters,	Wilkinson—24.
Goldsborough, T.		

So the amendment submitted by Mr. Jones was adopted.

The 25th and 26th Articles were then read.

Pending the consideration of the 27th Article,

Mr. Lee submitted the following amendment :

Strike out word "or," in line 1, and insert in line 1, after word "blood," the words, "nor shall there be any;" and at end of the Article add the words "for any crime;"

Which was rejected.

Pending the consideration of the 28th Article ;

Mr. Giddings submitted the following amendment :

Add to Article 28, "and every citizen has a right to bear arms in defence of himself and the State."

Mr. Barnes submitted the following amendment as a substitute for the amendment submitted by Mr. Giddings :

Add after the word Government, 2d line, "and the citizen shall not be deprived of the right to keep arms upon his person;"

Which was rejected.

The question then recurring upon the amendment submitted by Mr. Giddings ;

It was rejected.

The 29th and 30th Articles were then read.

Pending the consideration of the 31st Article ;

Mr. Barnes submitted the following amendment :

Add after the word law, in the 3d line, Article 31, the words "made in time of peace," so as to stand as follows : "That no soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war, except in the manner prescribed by law made in time of peace ;"

Which was rejected.

The 32nd, 33rd and 34th Articles were then read.

Pending the consideration of 35th Article ;

Mr. Wallace submitted the following amendment :

Strike out the words "ought to," in the first line, and substitute "shall." In line 3, strike out the word "ought" and insert the word "shall ;"

Which was adopted.*

The Convention then proceeded to the consideration of the 36th Article ;

Mr. McKaig submitted the following amendment :

Strike out all after the word practice, in the 5th line to the word "nor," in the 8th line.

Mr. Page submitted the following amendment to the amendment :

Strike out of the amendment the words "unless under the color of religion any man shall disturb the good order, peace and safety of the State ;

Which was rejected.

The question then recurring upon the amendment submitted by Mr. McKaig ;

It was rejected.

Mr. Jones submitted the following amendment :

Amend Article 36, in 11th line strike out the words "or juror."

Mr. Groome submitted the following amendment :

Amend Article 36, by striking out all after the word "minister" in the 10th line, and inserting in lieu thereof, "nor shall any person be deemed incompetent as a witness on account of race or color ; nor as a witness or juror, on account of defect in his religious belief, profession or practice, who believes in the existence of God, and that under His dispensation such person will be held morally accountable for his acts, and be rewarded or punished therefor, either in this world or the world to come ;

Pending the consideration of which,

Mr. Nicolai submitted the following order :

Ordered, That the amendment proposed and all amendments to be proposed to this Article be printed and laid upon the desks of the members.

Mr. Maulsby submitted the following order as a substitute:

Ordered, That all amendments proposed to Article 36, together with amendments of which notice has been given, be referred to the Committee upon the Declaration of Rights, with instructions to report at the meeting of the Convention to-morrow ;

Which was adopted.

On motion of Mr. Brewer, of Baltimore city, the Convention, at 3 o'clock, P. M., adjourned.

THURSDAY, May 30, 1867.

The Convention met.

Prayer by Mr. Jones, of Somerset.

Present at the call of the roll the following members :

Messrs. Carmichael, (President,) Alvey, Archer, Austin, Barnes, Barry, Bateman, Bell, Bennett, Bradley, Brent, Brewer, of Baltimore city, Brooke, Brown, Buchanan, Carter, Chambers, Cosgrove, Cover, Denson, Devries, Dobbin, Dorsey, Duvall, Emack, Evans, Farnandis, Ferry, Finley, Flaherty, Ford, Franck, Franklin, Garey, George, Giddings, Gill, Goldsborough, of Dorchester, Goldsborough, of Talbot, Groome, Hall, Hammond, Hardcastle, Hayden, Henderson, Hoblitzell, Hodson, Hollyday, Horsey, of Frederick, Howard, Howison, Hubbard, Ireland, Jamison, Janvier, Johnson, Jones, Keating, Kennedy, Lee, Longwell, Mackubin, Manro, Massey, Maulsby, McCormick, McKaig, Merryman, Mitchell, Morris, Murray, Nelson, Page, Par-ran, C. S., Perry, Peters, Pleasants, Pole, Rennolds, Rider, Riggs, Ringgold, Ritchie, Rogers, Silver, Spates, Starr, Stoddert, Syester, Tarr, of Caroline, Tarr, of Worcester, Thomas, Toadvine, Vansant, Wallace, Walsh, Watkins, of Caroline, Wethered, Whitman, Wickes, Wilkin-son—100.

The proceedings of yesterday were read and approved.

Mr. Garey presented the petition of Charles W. Gold, praying relief as therein asked ;

Which was read, and,

On motion of Mr. Jones,

Laid on the table.

Mr. Jones, Chairman of the Committee to Consider and Report upon the Declaration of Rights, submitted the fol-lowing majority

REPORT :

The undersigned majority of the members of the Commit-tee on the Declaration of Rights, to which Committee the amendments to Article 36 offered in Convention on May 29, 1867, were referred, respectfully recommend the said 36th Article be amended as follows ; that is to say, strike out all of said Article after the word “ ministry ” in line 10, and insert as follows :

“ Nor shall any person, otherwise competent, be deemed incompetent as a witness or juror on account of his religious belief, provided he believes in the existence of God, and that

under His dispensation such person will be held morally accountable for his acts, and be rewarded or punished therefor either in this world or in the world to come. No person shall be deemed incompetent as a witness on account of race or color, but the General Assembly may at any time hereafter change or modify this clause if they shall deem it expedient."

ISAAC D. JONES, *Chairman*.

A. K. SYESTER,

THOS. I. HALL,

BERNARD CARTER,

R. W. RINGGOLD,

CHAS. A. BUCHANAN,

R. E. HARDCASTLE,

GEO. W. MANRO,

E. S. ROGERS,

JOHN B. BROOKE,

ISAAC S. GEORGE,

GEORGE R. HOWARD,

J. T. STODDERT.

Which was read.

Mr. Nelson from same Committee, submitted the following minority

REPORT :

We, the undersigned, members of the Committee upon the Declaration of Rights, to whom was referred all amendments proposed to Article 36, together with amendments, of which notice has been given, with instructions to report at the meeting of the Convention on May the 30th, submit the following report :

Article 36. That as it is the duty of every man to worship God in such manner as he thinks most acceptable to Him, all persons are equally entitled to protection in their religious liberty ; wherefore, no person ought by any law to be molested in his person or estate on account of his religious persuasion or profession, or for his religious practice, unless under color of religion any man shall disturb the good order, peace or safety of the State, or shall infringe the laws of morality, or injure others in their natural, civil or religious rights ; nor ought any person to be compelled to frequent or maintain or contribute to maintain, unless on contract, any place of worship or any ministry, nor shall any white person be deemed incompetent as a witness or juror on account of religious belief, profession or practice, who believes in the existence of

God ; and that under His dispensation such person will be held morally accountable for his acts, and be rewarded or punished therefor, either in this world or the world to come.

FRED. J. NELSON,
B. A. JAMISON,
O. HAMMOND,
S. J. BRADLEY,
J. MORRIS,
JNO. F. IRELAND,
J. MONTGOMERY PETERS,
NICHOLAS BREWER,
GEORGE AUSTIN.

Which was read.

On motion of Mr. Jones,

The majority and minority reports were ordered to be taken up when the time arrived for taking up the order of the day, and be considered in connection therewith.

The hour having arrived for taking up the order of the day,

The Convention proceeded to the consideration of the Report of the Committee to Consider and Report upon the Declaration of Rights ;

The question recurring upon the majority and minority reports submitted by the Committee as amendments to the 36th Article,

Pending which,

On motion of Mr. Jones,

Leave of absence was granted Mr. Tarr, of Caroline, from the sessions of the Convention for a few days.

On motion of Mr. George,

At 3¼ o'clock, P. M., the Convention adjourned.

FRIDAY, May 31, 1867.

The Convention met.

Prayer by Rev. Mr. Henderson.

Present at the call of the roll the following members :

Messrs. Carmichael, (President,) Alvey, Archer, Austin, Barnes, Bateman, Bell, Bennett, Bradley, Brent, Brewer, of Baltimore City, Brewer, of Montgomery, Brooke, Brown, Carter, Chambers, Cosgrove, Cover, Denson, Devries, Dobbin, Dorsey, Duvall, Emack, Evans, Farnandis, Ferry, Finley, Flaherty, Ford, Franck, Franklin, Galt, Garey, George, Giddings, Gill, Goldsborough, of Dorchester, Goldsborough, of Talbot, Groome, Hall, Hammond, Hardcastle, Hayden, Henderson, Hoblitzell, Hodson, Hollyday, Horsey, of Frederick, Horsey, of Somerset, Howard, Howison, Hubbard, Ireland, Jamison, Janvier, Johnson, Jones, Keating, Kennedy, Kilbourn, Lee, Longwell, Mackubin, Manro, Massey, Maulsby, McCormick, McKaig, McMaster, Merryman, Mitchell, Morris, Motter, Murray, Nelson, Nicolai, Page, Parker, Charles S. Parran, John Parran, Perry, Peters, Pleasants, Pole, Rennolds, Rider, Riggs, Ringgold, Ritchie, Silver, Spates, Starr, Stoddert, Syester, Tarr, of Worcester, Thomas, Toadvine, Vansant, Wallace, Watkins, of Caroline, Wethered, Whitman, Wickes, Wilkinson—105.

The proceedings of yesterday were read and approved.

The President laid before the Convention the following reports from the Clerks to the Commissioners of Frederick and Charles counties :

OFFICE OF COUNTY COMMISSIONERS,

Frederick, Md., May 30, 1867.

Hon. R. B. Carmichael,

President of the Constitutional Convention :

SIR:—In compliance to the order passed by the Convention for me to furnish the aggregate amount of property assessed in Frederick county, under the late assessment, is thirty-one million six hundred sixty-one thousand and thirty-five dollars (31,661,035).

Respectfully submitted,

EZRA SLIFER, Clerk.

CHARLES COUNTY COMMISSIONERS;
Port Tobacco, May 28, 1867.

To the President of the Constitutional Convention.

SIR:—The aggregate amount of assessable property of this county under the late assessment, is \$3,407,385.

Very respectfully your ob't serv't.

J. R. ROBERTSON, Clerk.

Also, the following report of the Comptroller of Baltimore city, in response to an order of the Convention :

CITY COMPTROLLER'S OFFICE,

Baltimore, May 30, 1867.

Hon. Richard B. Carmichael,

President of the Constitutional Convention, Annapolis :

SIR:—In response to the order of the Convention requesting information as to the amounts paid by the city of Baltimore during the years 1865 and 1866, for expenses of removed cases to Baltimore County Court.

I respectfully submit the following statement of payments :

1865.

J. T. Ensor, State's Attorney.....	1,110 00
R. J. Gittings.....	200 00
Wm. Foster, Treasurer.....	2,556 21
J. W. Grafflin.....	91 00
J. J. Daneker.....	464 75
Witnesses and other expenses.....	1,753 20

Total.....\$6,175 16

1866.

J. T. Ensor, State's Attorney.....	\$1,792 45
Wm. Foster, Treasurer.....	4,625 00
Geo. C. Maund.....	366 66
J. Longnecker.....	159 00
Wm. Thomson, Sheriff.....	1,270 50
J. E. Alford.....	135 00
W. Galloway.....	63 00
J. B. Askew.....	51 08
J. J. Daneker.....	154 90
Geo. H. Dutton.....	145 50
E. Sparks.....	104 20
E. R. Petherbridge.....	2 45
Witnesses, etc.....	2,614 00

Total.....\$11,483 74

All of which is respectfully submitted,

SAM'L MACCUBBIN,
 City Comptroller.

Which were read, and

Severally referred to the Committee upon the Judiciary Department.

Mr. Pleasants submitted the following order :

Ordered, That it is the sense of this Convention, that the question of removing the disability heretofore imposed on negroes, to testify in Courts of Justice, ought to be settled by this Convention, and that the Constitution now being framed ought to contain a provision removing such disability ;

Pending the consideration of which,

Mr. Pleasants moved the previous question,

The question being,

“Shall the main question be now put ?”

Mr. Wickes demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Garey,	McCormick,
Carmichael, Pt.,	George,	Merryman,
Alvey,	Giddings,	Motter,
Barnes,	Gill,	Murray,
Bateman,	Goldsborough, T.	Nicolai,
Bell,	Hayden,	Page,
Bennett,	Hoblitzell,	Parran, John
Brent,	Hollyday,	Perry,
Brewer, B. city,	Horsey, of F.,	Pleasants,
Brown,	Howard,	Pole,
Buchanan,	Howison,	Ritchie,
Carter,	Ireland,	Spates,
Chambers,	Jones,	Stoddert,
Cover,	Kennedy,	Syester,
Devries,	Kilbourn,	Vansant,
Dobbin,	Lee,	Wallace,
Ferry,	Longwell,	Walsh,
Flaherty,	Mackubin,	Whitman,
Franck,	Manro,	Wilkinson—58.
Galt,	Maulsby,	

NEGATIVE.

Messrs.	Hammond,	Peters,
Archer,	Hodson,	Rennolds,
Brewer, of Mont.,	Horsey, of S.,	Rider
Brooke,	Hubbard,	Riggs,
Dorsey,	Jamison,	Ringgold,

Duvall,	Massey,	Silver,
Emack,	McMaster,	Starr,
Evans,	Mitchell,	Thomas,
Farnandis,	Morris,	Toadvine,
Ford,	Nelson,	Watkins, of Car.,
Franklin,	Parker,	Wethered,
Goldsborough, D.,	Parran, C. S.	Wickes—36.
Groome,		

So the demand for the previous question was sustained.

The question then recurring upon the adoption of the order,

Mr. Rennolds demanded the yeas and nays.

Which was sustained.

The yeas and nays were called and appeared as follows:

AFFIRMATIVE.

Messrs.	Galt,	Maulsby,
Carmichael, P't.	Garey.	McCormick,
Alvey,	George,	McKaig,
Bell,	Giddings,	Merryman,
Bennett,	Gill,	Motter,
Brent,	Goldsborough, T,	Murray,
Brooke,	Groome,	Nicolai,
Brown,	Hall,	Page,
Buchanan,	Hayden,	Parker,
Carter,	Horse, of Fred'k	Parran, John
Chambers,	Howard,	Pleasants,
Cover,	Howison,	Pole,
Devries,	Janvier,	Ringgold,
Dobbin,	Jones,	Stoddert,
Emack,	Kennedy,	Syester,
Farnandis,	Kilbourn,	Vansant,
Ferry,,	Lee,	Wallace,
Finley	Longwell,	Walsh,
Flaherty,	Mackubin,	Wethered,
Ford,	Manro,	Whitman,
Franck.		—60

NEGATIVE.

Messrs.	Hoblitzell,	Perry,
Archer,	Hodson,	Peters,
Austin,	Hollyday,	Rennolds,
Barnes,	Horse, of Som.,	Rider,
Bateman,	Hubbard,	Riggs,
Bradley,	Ireland,	Ritchie,
Brewer, B. city,	Jamison,	Silver,
Brewer, Montg'y,	Keating,	Spates,
Dorsey,	Massey,	Starr,

Duvall,	McMaster	Thomas,
Evans,	Mitchell,	Toadvine,
Franklin,	Morris,	Watkins, Car.
Goldsborough, D,	Nelson,	Wickes,
Hammond,	Parran, C. S.,	Wilkinson,—41.

So the order submitted by Mr. Pleasants,

Was adopted.

Mr. Merryman submitted the following order :

Ordered, That the Committee on Accounts take into consideration the propriety of paying a sum of money to S. T. Herbert for services rendered this Convention before the due installation into office of the officers of this Convention, and report the same to this House for its adoption ;

Which was adopted.

Mr. Jamison presented the following communication :

To the Hon. the Constitutional Convention :

Being anxious to visit my family for a few days, I respectfully ask your Honorable Body to grant me leave of absence from the service of the Convention for that purpose.

Very Respectfully,

JOHN V. POSEY, Committee Clerk.

May 31, 1867.

Which was read.

Mr. Jamison submitted the following order :

Ordered, That John V. Posey, Committee Clerk, have leave of absence from the service of the Convention from this day until Thursday next.

Which was adopted.

Mr. Farnandis submitted the following order :

Ordered, That it is the sense of this Convention that the provision for the admission of negro testimony be inserted in the Article of the Constitution on the Legislative Department.

The question recurring upon the adoption of the order,

Mr. Carter demanded the previous question.

The question then being,

“Shall the main question be now put,”

It was decided in the affirmative.

The order was then adopted.

The hour having arrived for taking up the order of the day.

The Convention then resumed the consideration of the order of the day, being the Report of the Committee to consider and report upon the Declaration of Rights.

The question recurring upon the majority and minority reports submitted by the Committee as amendments to the 36th Article.

Pending which, (by unanimous consent,)

Mr. Wickes, Chairman of the Committee upon the Elective Franchise, submitted the following

REPORT :

SECTION 1. All elections shall be by ballot, and every white male citizen of the United States, of the age of twenty-one years or upwards, who has been a resident of the State for one year, and of the legislative district of Baltimore city, or of the county in which he may offer to vote, for six months next preceding the election, shall be entitled to vote, in the ward or election district in which he resides, at all elections hereafter to be held in this State ; and in case any county or city shall be so divided as to form portions of different electoral districts, for the election of Representatives in Congress, Senator, Delegate, or other officer or officers, then to entitle a person to vote for such officer, he must have been a resident of that part of the county or city which shall form a part of the electoral district in which he offers to vote for six months next preceding the election ; but a person who shall have acquired a residence in such county or city entitling him to vote at any such election, shall be entitled to vote in the election district from which he removed, until he shall have acquired a residence in the part of the county or city to which he has removed.

Sec. 2. No person above the age of twenty-one years, convicted of larceny or other infamous crime, unless pardoned by the Governor, shall ever thereafter be entitled to vote at any election in this State ; and no person, under guardianship as a lunatic, or as a person *non compos mentis*, or found to be a lunatic or *non compos mentis* by the verdict of a jury, shall be entitled to vote.

Sec. 3. If any person shall give, or offer to give, directly or indirectly, or hath given or offered to give, since the fourth day of July, in the year eighteen hundred and fifty-one, any bribe, present or reward, or any promise, or any security for the payment or delivery of money, or any other thing, to

induce any voter to refrain from casting his vote, or forcibly to prevent him in any way from voting, or to procure a vote for any candidate or person proposed or voted for as Elector of President and Vice-President of the United States, or Representative in Congress, or for any office of profit or trust created by the Constitution or laws of this State, or by the ordinances or authority of the Mayor and City Council of Baltimore, the person giving, or offering to give, and the person receiving the same, and any person who gives, or causes to be given, an illegal vote, knowing it to be such, at any election to be hereafter held in this State, shall, on conviction in a Court of Law, in addition to the penalties now to be imposed by law, be forever disqualified to hold any office of profit or trust, or to vote at any election thereafter.

Sec. 4. It shall be the duty of the General Assembly to pass laws to punish, with fine and imprisonment, any person who shall remove into any election district or precinct of any ward of the city of Baltimore, not for the purpose of acquiring a *bona fide* residence therein, but for the purpose of voting at an approaching election, or who shall vote in any election district or ward in which he does not reside, (except in the case provided for in this Article,) or shall, at the same election, vote in more than one election district or precinct, or shall vote, or offer to vote, in any name not his own, or in place of any other person of the same name, or shall vote in any county in which he does not reside.

Sec. 5. The General Assembly shall provide by law for a uniform registration of the names of all the voters in this State, who possess the qualifications prescribed in this Article, which registration shall be conclusive evidence of the right of every person thus registered to vote at any election thereafter held in this State, but no person shall vote, at any election, federal, State or municipal, hereafter to be held in this State, unless his name appears in the list of registered voters; and until the General Assembly shall hereafter pass an Act for the registration of the names of voters, the law in force, on the first day of June, in the year eighteen hundred and sixty-seven, in reference thereto, shall be continued in force, except so far as it may be inconsistent with the provisions of this Constitution and the registry of voters made in pursuance thereof, may be corrected as provided in said law; but the names of all persons shall be added to the list of qualified voters by the officers of registration, who have the qualifications prescribed in the first section of this Article, and who are not disqualified under the provisions of the second and third sections thereof.

Sec. 6. Every person elected or appointed to any office of

profit or trust under this Constitution, or under the laws made pursuant thereto, shall, before he enters upon the duties of such office, take and subscribe the following oath or affirmation : I, _____, do swear, (or affirm, as the case may be,) that I will support the Constitution of the United States, and that I will be faithful and bear true allegiance to the State of Maryland, and support the Constitution and laws thereof ; and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of _____ according to the Constitution and laws of this State ; and if a Governor, Senator, member of the House of Delegates or Judge, that I will not directly or indirectly receive the profits, or any part of the profits, of any other office during the term of my acting as _____

Sec. 7. Every person hereafter elected or appointed to office in this State, who shall refuse or neglect to take the oath or affirmation of office, provided for in the sixth section of this Article, shall be considered as having refused to accept the said office, and a new election or appointment shall be made, as in case of refusal to accept or resignation of an office ; and any person violating said oath, shall, on conviction thereof in a court of law, in addition to the penalties now or hereafter to be imposed by law, be hereafter incapable of holding any office of profit or trust in this State.

Which was read the first time, and ordered to be printed.

Mr. Archer, (by unanimous consent,) submitted the following order :

Ordered, That the Report by the Committee on the Legislative Department be recommitted, with instructions to report the following additional section :

No person shall be incompetent as a witness on account of race or color, unless hereafter so declared by act of the General Assembly;

Pending the consideration of which,

Mr. Wickes moved a call of the House ;

Which was sustained.

Present at the call of the roll the following members :

Messrs. Carmichael, (President,) Alvey, Archer, Austin, Barnes, Bateman, Bell, Bennett, Bradley, Brent, Brewer, of Baltimore city, Brewer, of Montgomery, Brown, Buchanan, Carter, Chambers, Cover, Devries, Dobbin, Dorsey, Duval, Emack, Evans, Ferry, Finley, Flaherty, Ford, Franck, Franklin, Galt, Garey, George, Giddings, Gill, Goldsborough, of Talbot, Groome, Hall, Hammond, Hayden-Hoblitzell, Hodson, Hollyday, Horsey of Frederick, Hor,

sey, of Somerset, Howard, Howison, Hubbard, Ireland, Janvier, Jones, Keating, Kennedy, Kilbourn, Lee, Longwell, Mackubin, Manro, Massey, Maulsoy, McCormick, McKaig, McMaster, Merryman, Mitchell, Morris, Motter, Murray, Nelson, Nicolai, Parker, Parran Charles S., Parran, John Perry, Peters, Pleasants, Pole, Rennolds, Rider, Riggs, Ringgold, Ritchie, Silver, Spates, Starr, Stoddert, Syester, Thomas, Wallace, Walsh, Watkins, of Caroline, Wethered, Whitman, Wickes, Wilkinson.—94.

Upon the call of the roll,

On motion of Mr. Nicolai,

All further proceedings under the call were dispensed with.

The question then recurring upon the adoption of the order submitted by Mr. Archer,

Mr. Pleasants submitted the following amendment to the amendment :

Strike out all after the word color;

Pending the consideration of which,

By unanimous consent, the President asked leave of absence from the session of the Convention for a few days ;

On motion of Mr. Jones,

Mr. Vansant in the Chair,

Leave of absence was unanimously granted the President for the time asked.

On motion of Mr. Jones,

By unanimous consent, he was granted leave of absence from the session of the Convention on to-morrow.

On motion of Mr. Horsey, of Frederick,

By unanimous consent, leave of absence was granted to Mr. Maulsby from the sessions of the Convention, on account of sickness in his family.

Mr. Rennolds moved that the Convention do now adjourn.

Decided in the negative.

Mr. Gill moved that the Convention do now adjourn until Monday morning at 10½ o'clock,

Mr. Brooke demanded the yeas and nays ;

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Giddings,	Merryman,
Barnes,	Gill,	Mitchell,
Brent,	Hall,	Nelson,
Brown,	Hoblitzell,	Nicolai,
Buchanan,	Hodson,	C. S. Parran,
Carter,	Horsey, of Som.,	John Parran,
Devries,	Howison,	Peters,
Dobbin,	Ireland,	Pleasants,
Dorsey,	Jamison,	Rider,
Ferry,	Janvier,	Riggs,
Finley,	Keating,	Ritchie,
Flaherty,	Kennedy,	Starr,
Ford,	Kilbourn.	Syester,
Franck,	Longwell,	Toadvine,
Garey,	Manro,	Whitman,
George,	Massey,	Wilkinson—47.

NEGATIVE.

Messrs.	Franklin,	Morris,
Alvey,	Galt,	Murray,
Austin,	Goldsborough, T.	Page,
Bateman,	Groome,	Parker,
Bennett,	Hammond,	Perry,
Bradley,	Hollyday,	Pole,
Brewer, of M'y.	Hubbard,	Rennolds,
Brooke,	Lee,	Spates,
Chambers,	Mackubin,	Vansant,
Cover,	McCormick	Walsh,
Evans,	McMaster,	Watkins, of Car.
		—32.

So the motion submitted by Mr. Gill prevailed, and

The Convention, at 3¼ o'clock, P. M., adjourned until Monday morning at 10½ o'clock.

MONDAY, June 3, 1867.

The Convention met.

Prayer by Rev. Mr. Hammond.

Present at the call of the roll the following members :

Messrs. Vansant, (President, Pro. Tem.,) Alvey, Austin, Barnes, Bennett, Bradley, Brent, Brewer, Baltimore city, Brewer, Montgomery, Brooke, Brown, Buchanan, Carter, Chambers, Cunningham, Denson, Dobbin, Duvall, Emack, Farnandis, Ferry, Flaherty, Franck, Franklin, Galt, Garey, George, Giddings, Gill, Groome, Henderson, Hoblitzell, Hodson, Horsey, of Frederick, Horsey, of Somerset, Howison, Hubbard, Jones, Kilbourn, Lee, Mackubin, Marbury, McCormick, McMaster, Merryman, Mitchell, Morris, Murray, Nicolai, Page, Parker, Parran, C. S., Parran, John, Peters, Pole, Rennolds, Rider, Riggs, Ringgold, Ritchie, Roman, Spates, Toadvine, Walsh, Watkins, of Montgomery, Wethered, Wilkinson.—68.

The Proceedings of Friday were read and approved.

The President laid before the Convention the following Reports of the Clerks to the County Commissioners of Baltimore and Anne Arundel counties :

OFFICE COUNTY COMMISSIONERS,

BALTIMORE COUNTY,

Towsontown, June 1st, 1867.

Hon. Members Constitutional Convention :

Gentlemen :—

In response to your order of 29th May last, I respectfully submit the following, viz :

Amount paid Registers of Voters in Baltimore	
County for the years 1865 and 1866.....	\$2,763 00
Amount paid Clerks of Registers 1865 and 1866....	1,176 00
Amount paid printing lists Registered Voters,	
'65 and '66.....	2,178 50
Total.....	\$6,117 50

Very respectfully, your obd't servant,

WILLIAM FOSTER, Clerk.

OFFICE COUNTY COMMISSIONERS FOR ANNE ARUNDEL COUNTY,
Annapolis, June 1st, 1867.

HON. RICHARD B. CARMICHAEL,

President of the Constitutional Convention of Maryland:

Sir:—In obedience to the order passed by your Honorable Body on the 29th ultimo, "That the Clerks of the County Commissioners of the several counties in the State be and they are hereby respectfully requested to furnish to this Convention at as early a day as practicable, a statement of all monies paid or ordered to be paid to the several Registrars and their clerks in the several counties, for services in registering the voters in their election districts, and also all monies paid or ordered to be paid for printing lists of the registered voters, under the registry laws of this State since their adoption."

I have the honor to report that the Commissioners of this county levied and paid to the several registrars and their clerks the sum of \$1,659.40, and for cost of printing during the same period, the sum of \$751.25, amounting to the aggregate sum of \$2,410.65.

I am, very respectfully, your obd't servant,

GEORGE M. DUVALL, Clerk.

Which were read, and,

Referred to the Committee upon the Judiciary Department.

Mr. McMaster presented the memorial of W. T. Dennis, W. G. Gerdy, and 59 others, in opposition to the formation of a new county out of portions of Somerset and Worcester counties;

Which was read, and,

Referred to the Committee upon a Proper Basis of Representation in the two Houses of the General Assembly, and a Proper Apportionment of Representatives in the same.

The hour having arrived for taking up the order of the day,

The Convention resumed the consideration of the report of the Committee to consider and report upon the Declaration of Rights;

The question recurring upon the amendment to the amendment of Mr. Archer, submitted by Mr. Pleasants, viz.:

Strike out all after the word "color ;"

Pending which,

Mr. Gill demanded the yeas and nays,
 The demand being sustained,
 The question being on the adoption of the amendment,
 The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Franck,	Ritchie,
Alvey,	Garey,	Stoddert,
Bennett,	Gill,	Syester,
Brewer, B. city,	McCormick,	Toadvine,
Brown,	Peters,	Wilkinson—16.
Cunningham,	Pole,	

NEGATIVE.

Messrs.	Flaherty,	Marbury,
Vansant, P't, pro.	Franklin,	McMaster,
Austin,	Galt,	Merryman,
Barnes,	George,	Mitchell.
Bradley,	Giddings,	Morris,
Brent,	Groome,	Murray,
Brewer, of Mont.,	Henderson,	Page,
Brooke,	Hoblitzell,	Parker,
Buchanan,	Hodson,	Parran, C. S.
Carter,	Horse, of Fred.	Parran, John
Chambers,	Horse, of Som.,	Rider,
Denson,	Howison,	Riggs,
Dobbin,	Hubbard,	Ringgold,
Duvall,	Jones,	Walsh,
Emack,	Kilbourn,	Watkins, of M.,
Farnandis,	Mackubin,	Wethered—49.
Ferry,		

So the amendment submitted by Mr. Pleasants was rejected.

The question then recurring upon the order submitted by Mr. Archer, viz.:

Ordered, That the report by the Committee on the Legislature be recommitted with instructions to report the following additional section :

No person shall be incompetent as a witness on account of race or color, unless hereafter so declared by act of the General Assembly ;

The question being upon its adoption,

Mr. Merryman demanded the yeas and nays ;

The demand being sustained,

The yeas and nays were called and appeared as follows

AFFIRMATIVE.

Messrs.	Flaherty,	Marbury,
Vansant, P't, pro.	Franck,	McCormick,
Alvey,	Franklin,	McMaster,
Bennett,	Galt,	Merryman,
Brent,	Garey,	Mitchell,
Brooke,	George,	Murray,
Brown,	Giddings,	Page,
Buchanan,	Gill,	Parker,
Carter,	Groome,	Parran, J.,
Chambers,	Henderson,	Pole,
Cunningham,	Horse, of F'dk,	Ringgold,
Denson,	Howison,	Roman,
Dobbin,	Jones,	Syester,
Duval,	Kilbourn,	Walsh,
Emack,	Lee,	Wethered,
Farnandis,	Mackubin,	Wilkinson—48.
Ferry,		

NEGATIVE.

Messrs.	Hodson,	Rider,
Austin,	Horse, of S'mt,	Riggs,
Barnes,	Hubbard,	Ritchie,
Bradley,	Morris,	Stoddert,
Brewer, of B. city,	Parran, C. S.,	Toadvine,
Brewer, of M'y,	Peters,	Watkins, of M'y,
Hoblitzell,	Rennolds,	—19.

So the order submitted by Mr. Archer was adopted.

The question then recurring upon the minority report of the committee to consider and report upon the Declaration of Rights, submitted as a substitute for the report of the majority of said committee, submitted as an amendment to the 36th Article of the report of the committee, the question being on the adoption of the amendments;

Mr. Rennolds demanded the yeas and nays;

The demand being sustained, the yeas and nays were called and appeared as follows:

AFFIRMATIVE.

Messrs.	Franklin,	Rennolds,
Austin,	Hodson,	Rider,
Bradley,	Horse, of Som't.	Riggs,
Brent,	Hubbard,	Ritchie,
Brewer, B. City,	Mitchell,	Toadvine,
Brewer, of Mont.,	Morris,	Watkins, of M'y.
Duval,	Parran, C. S.,	Wilkinson,—21.
Peters,		

NEGATIVE.

Messrs.	Flaherty,	Mackubin,
Vansant, P't, pro.	Franck,	Marbury,
Alvey,	Galt,	McCormick,
Barnes,	Garey,	McMaster,
Bennett,	George,	Merryman,
Brooke,	Giddings,	Murray,
Brown,	Gill,	Page,
Buchanan,	Groome,	Parker,
Carter,	Henderson,	Parran, John,
Chambers,	Hoblitzell,	Pole,
Cunningham,	Horsey, of Fre'k.	Ringold,
Denson,	Howison,	Stoddert,
Dobbin,	Jones,	Syester,
Emack,	Kilbourn,	Walsh,
Farnandis,	Lee,	Wethered,—45.
Ferry,		

So the amendment submitted by minority of the committee was rejected.

The question then recurring upon the report submitted by the majority of the committee, being an amendment to the 36th Article of the report of the committee ;

Mr. Jones submitted the following amendment :

Strike out the words “no person shall be deemed incompetent as a witness on account of race or color, but the General Assembly may at any time hereafter change or modify this clause if they shall deem it expedient ;

Which was adopted.

Mr. Ritchie submitted the following amendment :

Strike out after the word “juror,” the words “in consequence of his opinions on matters of religious belief.”

The question being upon its adoption,

Mr. McCormick demanded the yeas and nays ;

The demand being sustained ;

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

Messrs.	Brown,	Lee,
Vansant, Pt. pro.	Duvall,	Mitchell,
Barnes,	Ferry,	Rennolds,
Bennett,	George,	Ritchie,
Brent,	Horsey, of Fre'k.	Spates,—16.
Brewer, Bal. city,	Kilbourn,	

NEGATIVE.

Messrs.	Galt,	Morris,
Alvey,	Garey,	Murray,
Austin,	Giddings,	Page,
Bradley,	Gill,	Parker,
Brewer, of Mon'y,	Groome,	Parran, C. S.
Brooke,	Henderson,	Parran, John,
Buchanan,	Hoblitzell,	Peters,
Carter,	Hodson,	Pole,
Chambers,	Horsey, of Som't.	Rider,
Cunningham,	Howison,	Riggs,
Denson,	Hubbard,	Ringgold,
Dobbin,	Jones,	Stoddert,
Emack,	Mackubin,	Syester,
Farnandis,	Marbury,	Walsh,
Flaherty,	McCormick,	Watkins, of Mo'y
Franck,	McMaster,	Wethered,
Franklin,	Merryman,	Wilkinson,—50.

So the amendment submitted by Mr. Ritchie,
Was rejected.

The Convention then proceeded to the consideration of the 37th article of the Report of the Committee to Consider and Report upon the Declaration of Rights.

The question being upon its adoption,

Mr. Garey submitted the following amendment :

Amend Act 37 by striking out all after the word " Constitution" in the third line.

Mr. Rider submitted the following amendment to the amendment :

Art. 37. Strike out all between the word " Constitution, in the 3rd line and the word " and" in the fourth line.

Which was rejected.

Mr. Carter submitted the following amendment as a substitute :

That no religious test ought ever to be required as a qualification for any office of profit or trust in this State, nor shall the Legislature prescribe any other oath of office than the oath prescribed by this Constitution ;

The question being upon its adoption,

Mr. Carter demanded the previous question.

The question then being,

" Shall the main question be now put,"

It was sustained.

The question then recurring upon the adoption of the amendment,

On motion of Mr. Jones,

A call of the House was ordered.

Present at the call of the roll the following members :

Messrs. Vansant, (President, Pro. Tem.,) Alvey, Austin, Barnes, Bennett, Bradley, Brent, Brewer, of Baltimore city, Brewer, of Montgomery, Brooke, Brown, Buchanan, Carter, Chambers, Cunningham, Denson, Dobbin, Duvall, Emack, Farnandis, Ferry, Flaherty, Franck, Franklin, Galt, Garey, George, Giddings, Gill, Groome, Henderson, Hoblitzell, Hodson, Horsey, of Somerset, Hubbard, Jones, Kilbourn, Lee, Mackubin, Marbury, McCormick, McMaster, Merryman, Mitchell, Morris, Murray, Nicolai, Page, Parker, Parran C. S., Parran, John Peters, Pole, Rennolds, Rider, Riggs, Ringgold, Ritchie, Spates, Starr, Stoddert, Syester, Toadvine, Walsh, Watkins, of Montgomery, Wethered, Wilkinson.—66.

Upon the call of the roll, a quorum being present,

On motion of Mr. Brewer, of Baltimore city,

All further proceedings under the call were dispensed with.

The question being upon the adoption of the substitute,

Mr. Merryman demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

Messrs.	Farnandis,	McCormick,
Vansant, P't.pro.	Ferry,	McMaster,
Alvey,	Flaherty,	Mitchell,
Austin,	Franck,	Murray,
Barnes,	Franklin,	Nicolai,
Bennett,	Galt,	Page,
Brent,	George,	Parker,
Brewer, B. city.	Giddings,	Parran, C. S.,
Brown,	Henderson,	Parran, John,
Buchanan,	Hodson,	Rennolds,
Carter,	Horsey, Som.	Riggs,
Chambers,	Jones.	Ringgold,
Cunningham,	Kilbourn,	Ritchie,
Denson,	Lee,	Spates,
Dobbin,	Mackubin,	Toadvine,
Emack,	Marbury,	Wethered.—47.

NEGATIVE.

Messrs.	Gill,	Rider,
Bulley,	Hoblitzell,	Stoddert,
Brewer, M'y.	Merryman,	Syester,
Brooke,	Morris,	Walsh,
Duvall,	Peters,	Watkins, Mont.
Carey,	Pole,	Wilkinson—17.

So the amendment submitted by Mr. Carter,

Was adopted.

Mr. Mackubin submitted the following amendment :

Other than a declaration of belief in the existence of God.
Insert after the word State.

Which was adopted.

The 38th and 39th Articles were then read.

On motion of Mr. Kilbourn,

The reading of the 39th Article was reconsidered ;

The question then recurring upon the 38th Article,

Mr. Kilbourn submitted the following amendment :

Amend the 38th Article by striking out the words "without the prior or subsequent sanction of the Legislature."

The question recurring upon its adoption ;

Mr. Kilbourn demanded the yeas and nays ;

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Ferry,	Parran, John,
Vansant, Pt. pro.	Galt,	Peters,
Barnes,	Garey,	Pole,
Bennett,	Henderson,	Rennolds,
Brent,	Horse, of Som't.	Riggs,
Brewer, of Mot'y,	Kilbourn,	Stoddert,
Denson,	Mitchell,	Syester,—21.
Duvall,		

NEGATIVE.

Messrs.	Franklin,	Morris,
Alvey,	George,	Murray,
Austin,	Giddings,	Nicolai,
Bradley,	Gill,	Page,
Brooke,	Hoblitzell,	Parran, C. S.
Brown,	Hodson,	Rider,

Buchanan,	Hubbard,	Ringgold,
Carter,	Jones,	Ritchie,
Chambers,	Lee,	Spates,
Cunningham,	Mackubin,	Toadvine,
Dobbin,	Marbury,	Walsh,
Emack,	McCormick,	Watkins, of Mo'y,
Farnandis,	McMaster,	Wethered,
Flaherty,	Merryman,	Wilkinson.—42.
Franck,		

So the amendment substituted by Mr. Kilbourn was rejected.

The 39th, 40th, 41st, 42d, 43d, 44th and 45th Articles were then read.

Mr. Stoddert submitted the following amendment to be inserted as Article 46:

“Article 46, That the patronage and the expenses of government have increased, are increasing, ought to be diminished; and strict economy enforced in all branches of the public service and departments of Government.”

On motion of Mr. McMaster,

By unanimous consent, it was ordered to be entered upon the journal that Mr. Covington was absent from the sessions of the Convention on account of sickness.

Mr. Nicolai moved that the Convention do now adjourn,
Decided in the negative.

The question then recurring upon the amendment submitted by Mr. Stoddert,

It was rejected.

On motion by Mr. Wilkinson,

The Convention, at 2¼ o'clock, P. M., adjourned.

TUESDAY, June 4, 1867.

The Convention met.

Prayer by Rev. Mr. Hammond.

Present at the call of the roll the following members:

Messrs. Vansant, (President pro tem.,) Alvey, Archer, Austin, Barnes, Bateman, Bell, Bennett, Bradley, Brewer, of Montgomery, Brooke, Brown, Buchanan, Carter, Chambers, Cosgrove, Cunningham, Denson, Dent, Devries, Dobbin, Dorsey, Duvall, Emack, Evans, Farnandis, Ferry, Flaherty, Franck Franklin, Galt, Garey, George, Giddings, Gill, Goldsborough, of Talbot, Groome, Hall, Hammond, Henderson, Hoblitzell, Hodson, Hollyday, Horsey, of Frederick, Horsey, of Somerset, Howard, Howison, Hubbard, Janvier, Johnson, Jones, Keating, Kennedy, Kilbourn, Lee, Longwell, Manro, Marbury, Massey, McCormick, McMaster, Merriyman, Mitchell, Morris, Motter, Murray, Nelson, Nicolai, Page, Parker, Parran, Charles S., Parran, John, Perry, Pleasants, Pole, Rennolds, Rider, Riggs, Ringgold, Ritchie, Rogers, Roman, Silver, Spates, Starr, Stoddert, Syester, Tarr, of Caroline, Tarr, of Worcester, Thomas, Toadvine, Walsh, Wilkinson, Whitman—94.

The proceedings of yesterday were read.

The President laid before the Convention the following Reports of the Clerks of the County Commissioners of Allegany, Howard, Queen Anne's and Frederick counties :

OFFICE COUNTY COMMISSIONERS

ALLEGANY COUNTY,

Cumberland, May 31, 1867.

Hon. R. B. CARMICHAEL,

President Constitutional Convention :

I beg leave to submit the annexed statement of all moneys paid, or ordered to be paid, to the general Registers and other Clerks in the several counties, for services in registering the voters in their Election Districts ; and also, all money paid, or ordered to be paid, for printing, &c., in Allegany county, to wit :

Total amount levied.....\$3,254 30

Paid as follows :

To Registers.....	\$2,302 30
To Rent.....	55 00
To Clerks.....	83 15
To Registration Books.....	40 00

To Witnesses, &c.....	11 80
To Printers.....	762 50
	<hr/>
	\$3,254 75

Respectfully submitted,

W. R. McCULLEY, Clerk.

COUNTY COMMISSIONER'S OFFICE,

HOWARD COUNTY,

Ellicott City, May 31, 1867.

Hon. R. B. CARMICHAEL,

President:

Dear Sir:—The aggregate amount paid by the County Commissioners for Registers and Clerks, under the law,

is.....	\$1,409
To cash paid for election houses.....	110
To “ “ “ Printing.....	467
	<hr/>
Total.....	\$1,986

Very Respectfully,

DAVID FEELEMYER, Clerk.

OFFICE OF THE COUNTY COMMISSIONERS,

QUEEN ANNE'S COUNTY,

Centreville, June 1, 1867.

In reply to the annexed order, I have the honor to state that the amounts paid by Queen Anne's county on the several accounts therein referred to, are as follows, for the year 1865

Registrar.....	\$718 50
Clerks.....	108 00
Printing lists of registered voters.....	219 50
	<hr/>
	\$1,046 00

The accounts for Registering voters in 1866, have not yet been allowed, but filed as follows:

Registrars.....	\$330 00
Clerks.....	36 00
Printing lists.....	99 00
	<hr/>
	\$465 00

Your obedient servant,

JAMES WOOTERS, Clerk.

To Hon. R. B. CARMICHAEL, President, &c.

OFFICE OF COUNTY COMMISSIONERS,
Frederick, Md., June 3, 1867.

Hon. R. B. CARMICHAEL,

President of the Constitutional Convention.

Sir:—In compliance to the order passed by the Convention requesting me to furnish a statement of moneys paid, and ordered to be paid, to the Registers and Clerks in registering voters; and also, moneys paid for printing lists of registered voters.

Frederick county paid Registers and Clerks for the year 1865.....\$2,560 00

Ordered to be paid Registers and Clerks
 for the 1866 and April 1867.....1,821 28

\$4,381 28

Frederick county paid for printing lists of registered voters for the year 1865, \$549 75.

Respectfully submitted,

EZRA SLIFER, Clerk.

P. S.—The printing accounts for 1866 and April 1867, have not been acted upon by the Board of Commissioners, there being two parties presenting bills. One is \$937 00, and the other \$425 50.

E. S. Clerk.

Also, the following Reports from the Clerks to Commissioners of Allegany and Calvert counties :

OFFICE COUNTY COMMISSIONERS,

ALLEGANY COUNTY,

Cumberland, May 31, 1867.

Hon. R. B. CARMICHAEL,

President Constitutional Convention.

Having completed the footing up of the late assessment for Allegany county, I beg to submit the information asked in a former order passed by your Honorable Body. The total amount of the late Assessment is \$16,604,631 00.

Respectfully submitted,

W. R. McCULLEY, Clerk.

OFFICE COUNTY COMMISSIONERS,

CALVERT COUNTY,

Prince Frederick, May 30, 1867.

Hon. R. B. CARMICHAEL,

President:

Dear Sir:—The aggregate amount of assessable property in this county, as ascertained under the late assessment, was

\$2,381,381 43, and from this amount all of the property exempted from assessment and taxation under a general law passed by the General Assembly of Maryland at the January session, 1867, is to be deducted, which amount, I suppose, will be nearly six hundred thousand dollars:

Yours truly,

WM. IRELAND, Clerk.

Which were read, and,

Severally referred to the Committee upon the Judiciary Department.

Also the reports of the Clerk to the Circuit Court for Caroline county, showing the number of indictments found by Grand Jury of said county during the years 1864, '65 '66 and '67, and the number of cases tried in said Court during the years 1865 and 1866, and the report of the Clerk to Circuit Court for Frederick county in reference to expenses of his office;

Which were read, and,

Referred to the Committee upon the Judiciary Department.

Mr. Brooke submitted the following order:

Ordered, That Mr. G. W. Bagby be permitted the use of the Hall this evening for the purpose of delivering his interesting lecture on "Love as a Disease;"

Which was adopted.

Mr. Merryman submitted the following order:

Ordered, That the Committee on Accounts be requested to examine into and report to this Convention, by whose orders the room in this building is being fitted up for the use of the Revising Clerk, and what arrangement has been made for the compensation of said Clerk;

Which was adopted.

Mr. Alvey submitted the following order:

Ordered, That the Committee on the Legislative Department inquire into the expediency of incorporating into their report the following section, or one to the like effect, to wit:

It shall be the duty of each General Assembly to make appropriations for the ordinary and necessary expenses of the government until the adjournment of the next regular session thereafter, the aggregate amount whereof shall not be increased without a vote of two-thirds of each House, nor shall it exceed the amount of revenue authorized by law to be raised within such time; nor shall any bill making appro-

priations for the pay of members and officers of the General Assembly, or for the salaries of the officers of the State, or to defray the ordinary expenses of the government, contain any provision or any other subject or appropriations for any other objects or purposes whatsoever ; and all provisions or appropriations incorporated in such bills contrary to this section shall be void ;

Which was adopted.

Mr. Motter submitted the following order :

Ordered, That if Mr. Motter had been present yesterday when the vote was taken on the amendment of Mr. Pleasants to the amendment of Mr. Archer to the Bill of Rights, to strike out all after the word " color," from the amendment of Mr. Archer, he would have voted nay ; and also that on the question of the adoption of the said order of Mr. Archer, he would have voted in the affirmative, and also that on the amendment offered yesterday by Mr. Carter as a substitute for the 37th Article of the Bill of Rights he would have voted in the negative ;

Which was adopted.

Mr. Denson submitted the following order :

Ordered, That the Convention meet at 9 o'clock after Saturday, June 8th ;

Mr. Garey submitted the following amendment :

Strike out the word " nine" and insert the word ten ;

Which was adopted.

The order as amended was then adopted.

The Convention then resumed the consideration of the unfinished business of yesterday, being the Report of the Committee to Consider and Report upon the Declaration of Rights.

Pending which,

On motion of Mr. Kilbourn,

The report was ordered to be engrossed for a third reading.

The Convention then took up for consideration the majority report of the Committee upon the Executive Department,

Said report being upon its second reading.

The first and second sections of the report were then read.

Mr. Tarr, of Worcester, moved that the Report of the minority of the Committee be inserted as a new section, to come in as section 3d of the report ;

The question being upon concurring therein,

Mr. Merryman demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called and appeared as follows :

·AFFIRMATIVE.

Messrs.	Groome,	Nelson,
Alvey,	Hammond,	Page,
Austin,	Hoblitzell,	Parker,
Bateman,	Hodson,	Parran, John
Bennett,	Hollyday,	Perry,
Bradley,	Horsey, of Som.,	Pole,
Brewer, of Mont.,	Howard,	Rider,
Chambers,	Hubbard,	Riggs,
Cosgrove,	Janvier,	Ringgold,
Cunningham,	Jones,	Roman,
Denson,	Keating,	Spates,
Dorsey,	Massey,	Tarr, of Caroline,
Duvall,	McCormick,	Tarr, Worcester,
Franklin,	McMaster,	Toadvine,
Galt,	Mitchell,	Walsh—46.
Goldsborough, T.	Motter,	

NEGATIVE.

Messrs.	Franck,	Merryman,
Vansant, P't, pro.	Garey,	Morris,
Archer,	George,	Murray,
Barnes,	Giddings,	Parran, C. S.
Bell,	Gill,	Pleasants,
Brooke,	Hall,	Rennolds,
Brown,	Henderson,	Ritchie,
Buchanan,	Horsey, Fred'k.	Rogers,
Carter,	Howison,	Silver,
Dent,	Johnson,	Starr,
Devries,	Kennedy,	Stoddert,
Dobbin,	Kilbourn,	Syester,
Emack,	Lee,	Thomas,
Evans,	Longwell,	Wilkinson,
Farnandis,	Manro,	Whitman—46.
Ferry,	Marbury,	

So the motion made by Mr. Tarr, of Worcester, did not prevail.

Mr. Starr moved that the further consideration of the report be postponed until to-morrow ;

Which was not sustained.

On motion of Mr. Hollyday,

The reading of the second section was reconsidered.

The question then recurring upon the second section,

Mr. Walsh submitted the following amendment :

Strike out in the 3d line of section 2, the word "eight,"
and insert "seven ;"

Which was adopted.

Mr. Roman submitted the following amendment :

Insert in the 3d line after the word seven,

"And the next election for Governor thereafter shall be held on the Tuesday next after the first Monday of November, 1872 ;"

Pending the consideration of which,

Mr. Nelson moved to re-commit the whole subject to the Committee, with instructions to report a section or sections, so as to secure the following objects :

1st. That the present Governor serve out his present term;

2d. That the election of Governor take place in 1867;

3d. That the Governor thus elected, shall hold his office for ——— years from the expiration of the term of the present incumbent ;

The question being upon concurring therein,

Mr. Mitchell moved the previous question,

The question then being,

"Shall the main question be now put?"

It was sustained,

The question then recurring upon the motion submitted by Mr. Nelson.

Mr. Stoddert demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

Messrs.	Duvall,	Parran, C. S.,
Barnes,	Hodson,	Parran, John.
Brewer, of M'y.	Merryman,	Riggs,
Buchanan,	Morris,	Tarr, of Caroline,
Dorsey,	Nelson,	Tarr, of W.—14.

NEGATIVE.

Messrs.	Franklin,	Marbury,
Vansant, P't. pro.	Galt,	Massey,

Alvey,	Garey,	McCormick.
Archer,	George,	McMaster,
Austin,	Gill,	Mitchell,
Bateman,	Goldsborough, T.,	Motter,
Bell,	Groome,	Murray,
Bennett,	Hall,	Parker,
Bradley,	Hammond,	Perry,
Brewer, Bal. city.	Henderson,	Pleasants,
Brown,	Hoblitzell,	Pole,
Carter,	Hollyday,	Rennolds,
Chambers,	Horsey, Som.,	Rider,
Cosgrove,	Howard,	Ringgold.
Cunningham,	Hubbard,	Ritchie,
Denson,	Janvier,	Roman,
Dent,	Johnson,	Silver,
Devries,	Jones,	Spates,
Emack,	Keating,	Stoddert,
Evans,	Kennedy,	Syester,
Farnandis,	Kilbourn,	Toadvine,
Ferry,	Lee,	Walsh,
Flaherty,	Longwell,	Wilkinson,
Franck,		Whitman—70.

So the motion to re-commit was not concurred in.

The question then recurring upon the amendment submitted by Mr. Roman,

It was rejected.

Mr. Page submitted the following amendment :

The State shall be divided into three districts. The city of Baltimore and the counties of Baltimore, Carroll and Harford, the first ; the Eight counties of the Eastern Shore the second ; and St. Mary's, Charles, Calvert, Prince Georges, Anne Arundel, Montgomery, Howard, Frederick, Washington and Allegany the third. The Governor who was elected from the first district at the last election shall continue in office during the term for which he was elected. The Governor shall be taken from the second district at the first election of Governor under this Constitution ; from the third district at the second election ; and from the first district at the third election, and in like manner afterwards from each district in regular succession ;

The question being upon its adoption,

Mr. Carter moved a call of the House ;

Which was sustained.

Upon the call of the roll, the following members responded to their names :

Messrs. Vansant, (President, pro. tem.,) Alvey, Archer, Austin, Barnes, Bateman, Bell, Bennett, Bradley, Brewer, of Baltimore City, Brewer, of Montgomery, Brooke, Brown, Buchanan, Carter, Chambers, Cosgrove, Cunningham, Denson, Dent, Devries, Dorsey, Duvall, Emack, Evans, Farnandis, Ferry, Flaherty, Franck, Franklin, Galt, Garey, George, Giddings, Gill, Goldsborough, of Talbot, Groome, Hall, Hammond, Henderson, Hoblitzell, Hodson, Hollyday, Horsey, of Somerset, Howard, Hubbard, Janvier, Johnson, Jones, Keating, Kennedy, Lee, Longwell, Manro, Marbury, Massey, McCormick, McMaster, Merryman, Mitchell, Morris, Motter, Murray, Nelson, Page, Parker, Charles S. Parran, John Parran, Perry, Pleasants, Pole, Rennolds, Rider, Riggs, Ringgold, Ritchie, Rogers, Roman, Silver, Spates, Starr, Stoddert, Syester, Tarr, of Caroline, Tarr, of Worcester, Thomas, Toadvine, Walsh, Wilkinson, Whitman—87.

Mr. Starr moved that all further proceedings under the call be dispensed with ;

Decided in the negative.

On motion of Mr. Carter,

The Sergeant-at-Arms was ordered to notify the absent members now in the city, to give their attendance, and to bring them before the bar of the House.

After an absence of some time, the Sergeant-at-Arms returned and reported that he had brought before the bar of the House all the absent members now in the city.

On motion of Mr. Silver,

All further proceedings under the call were dispensed with.

The question then recurring upon the amendment submitted by Mr. Page.

Mr. Carter submitted the following amendment :

Sec. 3. The State shall be divided into three districts : St. Mary's, Charles, Calvert, Prince George's, Anne Arundel, Montgomery and Howard counties, and the city of Baltimore to be the 1st ; the eight counties of the Eastern Shore, to be the 2d ; Baltimore, Harford, Carroll, Frederick, Washington and Allegany counties, to be the 3d.

The Governor shall be taken from the 1st District, at the first election of Governor under this Constitution ; from the second district, at the second election, and from the 3d district at the third election, and in like manner afterwards, from each district in regular succession ;

Which was rejected.

Mr. Denson moved the previous question,

The question then being,

“Shall the main question be now put,”

It was sustained,

The question then recurring upon the amendment submitted by Mr. Page,

Mr. Brewer, of Baltimore city, demanded the yeas and nays,

The demand being sustained,

The yeas and nays were ordered and appeared as follows :

AFFIRMATIVE.

Messrs.	Goldsborough, T.	Nelson,
Alvey,	Hammond,	Page,
Austin,	Hoblitzell,	Parker,
Bateman,	Hodson,	Perry,
Bennet,	Hollyday,	Pole,
Bradley,	Horsey, of Som.	Rider,
Brewer, Mont.,	Howard,	Riggs,
Brooke,	Hubbard,	Ringgold,
Chambers,	Janvier,	Roman,
Cosgrove,	Jones,	Spates,
Dorsey,	Keating,	Tarr, Caroline,
Duvall,	Lee,	Tarr, of W.,
Emack,	Massey,	Toadvine,
Franklin,	McMaster,	Walsh—41.

NEGATIVE.

Messrs.	Franck,	Merryman,
Vansant, P't, pro.	Galt,	Mitchell,
Archer,	Garey,	Morris,
Barnes,	George,	Motter,
Bell,	Giddings,	Murray,
Brewer, of B. city	Gill,	Parran, C. S,
Brown,	Groome,	Parran, John,
Buchanan,	Hall,	Pleasants,
Carter,	Henderson,	Rennolds,
Cunningham,	Horsey, of Fred.	Ritchie,
Denson,	Howison,	Rogers,
Dent,	Johnson,	Silver,
Devries,	Kennedy,	Starr,
Dobbin,	Kilbourn,	Stoddert,
Evans,	Longwell,	Syester,
Farnandis,	Manro,	Thomas,
Ferry,	Marbury,	Wilkinson,
Flaherty,	McCormick,	Whitman—53.

So the amendment was rejected.

The 3d section was then read ;

Pending the reading of the 4th section,

Mr. Walsh moved to strike out the word "joint," and insert the word concurrent in the 9th line ;

Decided in the negative.

The 5th and 6th sections were then read ;

Pending the reading of the 7th section,

Mr. Syester moved to strike out the words "and naval ;"

Decided in the negative.

On motion of Mr. Archer ;

By unanimous consent, the reading of the 5th section was reconsidered.

Mr. Archer moved to strike out the words "a citizen of the United States," and insert the words a citizen of the State of Maryland ;

Decided in the affirmative.

Mr. Archer also submitted the following amendment :

"And at the time of his election a qualified voter therein ;"

Which was adopted.

The 8th, 9th, 10th, 11th and 12th sections were then read.

Pending the reading of the 13th section ;

Mr. Hammond moved to strike out the words "and Senate," in the 1st line ;

Decided in the negative.

On motion of Mr. Nelson.

It was ordered to be entered on the Journal that Mr. McPherson is absent from his seat in the Convention because of sickness in his family.

Mr. Barnes, by general consent, asked and was granted leave of absence from the sessions of the Convention for tomorrow.

Mr. Mitchell, by general consent, asked and was granted leave of absence for a few days from the sitting of the Convention.

On motion of Mr. Brewer, of Baltimore city ;

The Convention at 3¼ o'clock, P. M., adjourned.

WEDNESDAY, June 5, 1867.

The Convention met.

Prayer by Rev. Mr. Hammond.

Present at the call of the roll the following members :

Messrs. Carmichael, (President,) Alvey, Archer, Austin, Barry, Bateman, Bell, Bennett, Bradley, Brent, Brewer, of Balt. city, Brewer, of Mont'y, Brooke, Brown, Buchanan, Carter, Chambers, Cosgrove, Cunningham, Denson, Dent, Devries, Dobbin, Dorsey, Duvall, Emack, Evans, Farnandis, Ferry, Flaherty, Franck, Franklin, Galt, Garey, George, Giddings, Gill, Goldsborough, of Talbot, Groome, Hall, Hammond, Hardcastle, Hayden, Henderson, Hoblitzell, Hodson, Hollyday, Horsey, of Somerset, Howard, Howison, Hubbard, Janvier, Johnson, Jones, Kennedy, Kilbourn, Lee, Longwell, Mackubin, Manro, Marbury, Massey, McCormick, McKaig, McMaster, McPherson, Merryman, Morris, Motter, Murray, Nicolai, Page, Parker, C. S. Parran, John Parran, Perry, Peters, Pleasants, Pole, Rennolds, Rider, Riggs, Ringgold, Rogers, Roman, Silver, Spates, Starr, Stoddert, Syester, Tarr, of Caroline, Tarr, of Worcester, Thomas, Toadvine, Vansant, Walsh, Watkins, of Montgomery, Whitman—94.

The proceedings of yesterday were read.

The President laid before the Convention the following reports of the Clerks to the Commissioners of Washington and Prince George's counties :

COUNTY COMMISSIONERS' OFFICE,

Hagerstown, Md., June 4, 1867.

Hon. R. B. Carmichael :

President Constitutional Convention :

SIR :—In obedience to an order of the Constitutional Convention, communicated to me by your favor of the 29th ult. I have the honor of reporting that the amount of money levied by this county for the payment of Registrars of Voters for the year ending June 19, 1866, was (including rent of room,) seventeen hundred and twenty-eight dollars and twelve cents, \$1,728,12.

The amount levied for printing lists of registered voters and notices at the above date, was five hundred and forty-eight dollars \$548. The levy for the payment of Registrars and printing for the year ending the latter part of this present month, the bills of which have not yet been filed, I cannot report; Clerks to the Registrars in this county, the Commis-

sioners have from the beginning refused to pay, believing that their services were not necessary.

All of which is respectfully submitted,

Very respectfully,

Your obedient servant,

JOHN L. SMITH, Clerk.

OFFICE OF COUNTY COMMISSIONERS,
FOR PRINCE GEORGE'S COUNTY,
Upper Marlboro' June 1, 1867.

Hon. R. B. Carmichael,

President of the Constitutional Convention :

SIR:—In response to an order of the Convention, I report that this county has not yet paid the Registers. The amount paid for printing in 1866, was \$745.50.

Respectfully,

G. L. HERBERT, Clerk.

Which were read, and,

On motion of Mr. Syester,

Severally referred to the Committee upon the Elective Franchise and the Qualification of Voters.

Also, the following :

ST. MARY'S CHURCH,
Annapolis, May 30, 1867.

HON. SIR:—Permit me to inform you that a course of very interesting public lectures will be delivered in St. Mary's Church, in this city, by Rev. Father Wayrich of Baltimore. The first of these lectures will take place at 8 o'clock on Wednesday and Thursday evenings, June 5th and 6th.

I hereby respectfully invite your Honor to favor us with your presence at these lectures, if you find it agreeable to your wishes. I also invite all the Honorable members of the Convention to attend, if it suits their convenience. Please inform them of this invitation. They are all heartily welcome, and I have reason to believe that the lectures will be interesting.

I remain, with great respect,

your Honor's humble servant,

TH. AMXANDER, C. R.,
Rector of St. Mary's College.

Which was read.

Mr. Johnson submitted the following order :

Ordered, That it be entered on the Journal, that Messrs. Maulsby and Nelson are absent from their seats, owing to a death in their family.

Which was adopted.

Mr. Brent submitted the following order :

Ordered, That the thanks of this Convention are due, and are hereby tendered to the Hon. Joshua Vansant, for the dignified, able and impartial manner in which he has discharged the duties of the Chair during the temporary absence of the President ;

Which was adopted.

Mr. Marbury submitted the following order :

Ordered, That the Chesapeake and Ohio Canal Company furnish to this Convention a detailed statement of all the debts due by it, with the dates at which they were contracted, and specifying which are preferred claims and loans, and which are not, and copies of its annual reports to the stockholders, from the year 1848 to the present time, to show the revenues and receipts of said Company, and how the same was expended, and what amount of money is now in the Treasury of the Company ;

Which was adopted.

On motion of Mr. Buchanan,

It was ordered to be entered on the Journal that Mr. Wethered is absent from the session of the Convention on account of sickness in his family.

Mr. Hollyday submitted the following order :

Ordered, That the Committee upon the Legislative Department inquire into the expediency of incorporating in their Report the following as an additional section :

Section —. The credit of the several counties, cities and municipal corporations of the State shall not in any manner be given or loaned to or in aid of any individual association or corporation, nor shall the General Assembly have power in any mode, except as hereinafter provided, to involve the several counties, cities and municipal corporations, or any of them in the construction of works of internal improvement, nor in granting any aid thereto which shall involve the faith or credit of the several counties cities and municipal corporations, or any of them of the State, unless the Act of Assembly authorizing the faith and credit of the county, city or municipal corporation proposed to be loaned or given in aid

of such works be submitted by a direct vote to the taxable voters of the county city or municipal corporation, whose faith and credit is proposed to be loaned at such time and in such manner as may be prescribed in the Act, and a majority of the taxable voters of the county, city or municipal corporation shall signify their assent and affirmation to such law.

Which was adopted.

Mr. Nicolai submitted the following order :

Ordered, That the Committee on Accounts be requested to report to the Convention what salary is to be paid to the Revising Clerk, also if said Clerk has made an appointment of Assistant Clerk, and if so, who is to pay for said Assistant, and what are the duties of the Revising Clerk ;

Which was rejected.

The Convention then resumed the consideration of the unfinished business of yesterday, being the report of the Committee upon the Executive Department.

The question recurring upon the reading of the 13th section,

Mr. Alvey moved that the reading of the first section be reconsidered for the purpose of amendment ;

Decided in the negative.

The Convention then resumed the consideration of the 13th section.

Pending which,

Mr. Tarr, of Caroline, submitted the following amendment :

Section 13, line two. Strike out the word " fifty " and insert the word forty ;

Decided in the negative.

Mr. Carter submitted the following amendment :

Insert in line 3, after the word office, the words, "except in cases otherwise provided for in this Constitution ;"

Which was adopted.

Mr. Walsh submitted the following amendment, to come in as a new section in place of section 14 :

If a vacancy shall occur during the session of the Senate, within ten days before its final adjournment, in any office which the Governor and Senate have the power to fill, the Governor shall nominate a proper person to the Senate to fill

said vacancy before the final adjournment of the Senate, unless such vacancy occurs within ten days before said final adjournment ;

Which was adopted.

Pending the reading of the 15th section,

Mr. Barry submitted the following amendment :

Sec. 15, Executive Department, insert in the 4th line after the word misconduct, "after a hearing before him ;"

Which was rejected.

Mr. Garey submitted the following amendment :

Strike out the word "of," in the 5th line and insert the words "not exceeding two ;"

Which was rejected.

Mr. McPherson submitted the following amendment :

Last line strike out the words "for a term of years."

Which was rejected.

Pending the reading of section 16,

Mr. Alvey submitted the following amendment :

After the word "occasions" in second line, insert "and when calling the Legislature together in extra session, he shall do so by proclamation, and state therein the purpose for which they are so called ; and said Legislature shall enter on no legislative business except that for which they were specially convened ;"

Which was rejected.

Pending the reading of the 17th section,

Mr. Rider submitted the following amendment as a substitute for said section :

Sec. 17. To guard against hasty or partial legislation and encroachments of the Legislative Department upon the co-ordinate Executive and Judicial Departments, every bill which shall have passed both Houses of the Legislature, shall be presented to the Governor ; if he approve he shall sign it, but if not he shall return it with his objections to the House in which it shall have originated, who shall enter the objections at large upon the Journals, and proceed to reconsider it ; if after such reconsideration a majority of the members elected shall agree to pass the bill, it shall be sent with the objections to the other House, by which it shall likewise be reconsidered ; if approved by a majority of the members elected of that House, it shall become a law ; but in such cases the

votes of both Houses shall be determined by yeas and nays, and the names of the members voting for or against the bill shall be entered on the Journals of each House respectively ; if any bill shall not be returned by the Governor within five days (Sundays excepted,) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it ; every bill presented to the Governor one day previous to the adjournment of the Legislature and not returned to the House in which it originated before its adjournment, shall become a law, and have the same force and effect as if signed by the Governor ;

Pending the consideration of which ;

Mr. Buchanan moved that the Convention do now adjourn ;

Decided in the negative.

The consideration of the 17th section was then resumed.

Pending which,

Mr. Howison, chairman Committee on Accounts, two-thirds of the members present concurring, submitted the following

REPORT:

The Committee on Accounts, with the most earnest desire to arrive at fair and just conclusions in reference to the amount of mileage to be allowed to the members and officers of the Convention, have given the subject the most careful consideration, and have unanimously resolved to recommend that the allowances be based upon the routes most usually traveled from the several county towns and the city of Baltimore to Annapolis, and that twenty cents per mile be allowed for traveling once each way. The distances were ascertained as nearly as possible from the members of the several delegations.

The Committee therefore respectfully recommend the adoption of the following table of allowances, based upon the aforesaid conclusions ;

Allegany county.....	400 miles.....	\$80 00
Anne Arundel county.....	40 “	8 00
Baltimore City.....	.....	17 00
Baltimore county.....	100 “	20 00
Calvert county.....	250 “	50 00
Cecil county.....	200 “	40 00
Carroll county.....	160 “	32 00
Caroline county.....	394 “	78 80
Charles county.....	344 “	68 80
Dorchester county.....	352 “	70 40
Frederick county.....	170 “	34 00
Harford county.....	146 “	29 30

Howard county.....		20 00
Kent county.....	260 “	52 00
Montgomery county.....	130 “	26 00
Prince George's county.....	130 “	26 00
Queen Anne's county.....	265 “	53 00
St. Mary's county.....	365 “	73 00
Somerset county.....	464 “	92 80
Talbot county.....	348 “	69 60
Washington county.....	284 “	56 80
Worcester county.....	564 “	106 80

Respectfully submitted,

JAS. R. HOWISON, *Chairman.*
 ALFRED SPATES,
 HENRY A. SILVER,
 WILLIAM JANVIER,
 SAMUEL RIGGS, of R.,
 H. W. DORSEY,
 E. WHITMAN.

Which was read.

Mr. Vansant moved to amend by striking out the word
 “twenty” and inserting the word five ;

Decided in the negative.

Mr. Mackubin moved to amend by striking out the word
 “twenty” and inserting the word six ;

Decided in the negative.

The report was then adopted.

On motion of Mr. Barry,

At 3 o'clock, P. M., the Convention adjourned.

THURSDAY, June, 6th, 1867.

The Convention met.

Prayer by the Rev. Mr. Hammond,

Present at the call of the roll the following members:

Messrs. Carmichael, (President,) Alvey, Archer, Austin, Barnes, Barry, Bateman, Bell, Bennett, Brent, Brewer, of Baltimore city, Brewer, of Montgomery, Brooke, Brown, Buchanan, Carter, Chambers, Cosgrove, Cover, Cunningham, Denson, Dent, Devries, Dobbin, Dorsey, Duvall, Evans, Farnandis, Ferry, Flaherty, Franck, Franklin, Galt, Garey, George, Giddings, Gill, Goldsborough, of Dorchester, Goldsborough, of Talbot, Groome, Hall, Hammond, Hardcastle, Hayden, Henderson, Hoblitzell, Hodson, Hollyday, Horsey, of Somerset, Howard, Howison, Janvier, Johnson, Jones, Kennedy, Lee, Longwell, Mackubin, Manro, Marbury, Massey, McCormick, McKaig, McMaster, McPherson, Merryman, Morris, Motter, Murray, Nicolai, Parker, Charles S. Parran, John Parran, Perry, Peters, Pleasants, Pole, Rennolds, Rider, Riggs, Ringgold, Rogers, Roman, Silver, Spates, Starr, Stoddert, Syester, Tarr, of Caroline, Tarr, of Worcester, Thomas, Toadvine, Vansant, Walsh, Watkins, of Caroline, Watkins, of Montgomery, Wickes—97.

The proceedings of yesterday were read and approved.

The President laid before the Convention the following Report of the Clerk of the Criminal Court of Baltimore city, in response to an order of the Convention :

CLERK'S OFFICE, CRIMINAL
COURT OF BALTIMORE,
June 5th, 1867.

*Hon. Richard B. Carmichael, President Maryland
State Constitutional Convention :*

Sir :—Very respectfully herewith is submitted a statement embracing the period of time in which I have been in office, from Dec. 2nd, 1863, to January 14th, 1867, it being the extent to which I am able to comply with the order passed May 15, 1867.

I am unable to give any statement beyond the period named, because my predecessors left no record of revenues and expenditures in the office prior to that time.

I presume the Comptroller of the State can supply the information.

The fees of this office are derived from one source only :
The fees arising in the *trial of causes*.

STATEMENT.

Revenue from Dec. 2nd, 1863, to Jan. 9th, 1865..	\$10,414 66
Expenses for same period.	
Clerks' salary.....	\$6,716 66
Janitor, Messenger, Stationery,	
Fuel and Incidentals.....	1,401 71
	<u> </u>
	\$ 8,118 37

Excess of Fees for above period re-
turned to State.....\$2,296 29

Revenue from Jan. 9, 1865, to Jan. 8, 1866.....	\$11,729 30
Expenses for same period.	
Clerk's Salary.....	\$6,940 00
Janitor, Messenger, Stationery,	
Fuel and Incidentals.....	1,238 65
	<u> </u>
	\$8,178 65

Excess of Fees for above period re-
turned to State.....\$3,550 65

Revenue from Jan. 8, 1866, to Jan. 14, 1867.....	\$12,284 32
Expenses for same period.	
Clerk's Salary	\$6,940 00
Janitor, Messenger, Stationery,	
Fuel and Incidentals.....	1,911 11
	<u> </u>
	\$8,851 11

Excess of Fees for above period re-
turned to State.....\$3,433 21

RECAPITULATION.

Aggregate revenue.....	\$34,428 28
“ expenses.....	25,148 13

Aggregate excess of fees returned to State.\$ 9,280 15

Jehu B. ASKEW,

Clerk of the Criminal Court of Baltimore.

Which was read, and,

Referred to the Committee on the Judiciary Department.

Also, the following Reports of the Clerks to the Commissioners of Cecil and Dorchester counties, in response to an order of the Convention ;

Statement of the several sums paid, or levied in payment of expenses of Registration in Cecil county in the registration of voters in 1865 :

Amount paid Registers, Clerks, witnesses, for use of Rooms and for Stationery.....	\$2,352 12
Amount paid for registration books	\$22 50
“ “ “ advertising no- tices of Registers and bills.....	171 75
Amount paid for advertising lists of registered voters	362 50—556 75
Total.....	\$2,908 87

I certify that the above statement is correctly made up
from the books of the County Commissioners of Cecil coun-
ty.

JAS. J. CRAWFORD, Clerk,
Commissioners, Cecil Co.

COUNTY COMMISSIONER'S OFFICE,

Dorchester County, Md., June 4, 1867.

HON. RICHARD B. CARMICHAEL, *President Con. Convention :*

*Dear Sir :—*Below you will find a statement of all moneys
paid to the several Registers and Clerks for services in register-
ing voters ; and also money paid for printing lists of regis-
tered voters, &c :

Amount paid in 1866, Registers and Clerks...	\$2,506 06
Printing for 1866.....	238 00
	<hr/>
	\$2,744 06
Amount paid in 1867.....	1,360 59
Printing.....	516 00
	<hr/>
	\$1,876 59

Yours Respectfully,

JOHN T. JACKSON,
Clerk to Commissioners
Dorchester County.

Which were read and referred to the Committee upon the
Elective Franchise and the qualification of voters.

Mr. Rennolds submitted the following order ;

Ordered, That S. J. Bradley have leave of absence for a
week, to enable him to visit his home, and to attend to some
important business ;

Which was adopted.

Mr. Longwell submitted the following order :

Ordered, That the Comptroller of the Treasury be re-

quested to report to this Convention, at as early a day as practicable, the aggregate amounts of money paid out of the Treasury on account of public printing ordered by the last Legislature, particularly specifying the amounts paid for printing the 1st Annual Report of the Superintendent of Public Instruction.

Which was adopted.

Mr. Stoddert submitted the following order :

Ordered, That the Committee upon the Legislative Department be instructed to consider the propriety and necessity of inserting the following general principle, as a rule for, or as advisory to, the Legislature.

That the patronage and expenses of the Government have increased, are increasing, and ought to be diminished, and strict economy ought to be observed in all the departments of the government and in every branch of the public service ;

Which was adopted.

Mr. Howison, Chairman of the Committee upon Accounts, submitted the following report :

REPORT:

The Committee on Accounts, submit the following Report upon the matters embraced in the order of the Convention of the 4th instant :

The Committee Room referred to in the order, was appropriated by the President of the Convention, to the use of the Committee on Revision and Compilation, being the only unoccupied room in the building, and the only one that had not been prepared for the reception of the Convention. Under the authority contained in the joint resolution of the Legislature, the President directed it to be put in proper condition for the sessions of the Committee, and to enable the Clerk of Revision to perform properly the duties devolved upon him by order of the Convention.

It was accordingly cleansed, and a plain paper put on the walls, and plain straw matting on the floor, and the woodwork received a slight coat of paint, all of which was essentially necessary for ordinary comfort. These repairs cost about two hundred and eighty dollars ; a few chairs were also provided, and are included in this sum, the other articles of furniture are the same that have always been in the room while occupied as a Senate Committee Room.

With reference to the compensation of the Revising Clerk, the Committee would remark, that the recommendation which they made in a former report, which was adopted by the Con-

vention, was intended to apply to that officer as well as other officers of the Convention; that recommendation fixes the compensation and mileage at the same rates as are allowed to the members of the Convention.

The Committee take this occasion to say that in their former report, they inadvertently omitted to recommend the appointment of a suitable person to attend and keep in order the "Round Houses" attached to the State House; the services of this person are as necessary and important as the establishment over which he presides. Mr. Caleb Stewart has been performing these duties in a most acceptable manner since the meeting of the Convention, and qualified at the same time that the other officers did under the impression that he was appointed by competent authority. He has received no compensation, and the Committee recommend that the President have power to appoint him.

Respectfully submitted,

JAS. R. HOWISON, Chairman.
ALFRED SPATES,
HARRY W. DORSEY,
SAMUEL RIGGS, of R.
WILLIAM JANVIER,
HENRY A. SILVER,
B. B. CHAMBERS.

Which was read and adopted.

The Convention then resumed the consideration of the unfinished business of yesterday,

Being the majority report of the Committee upon the Executive Department;

The question recurring upon the amendment submitted by Mr. Rider, as a substitute for the 17th section;

Pending the consideration of which,

Mr. Carter demanded the previous question,

The question then being,

"Shall the main question be now put?"

It was decided in the negative.

The question recurring upon the adoption of the amendment;

Mr. Rider, by unanimous consent, submitted the following as a substitute therefor :

Sec. 17. To guard against hasty or partial legislation and encroachments of the Legislative Department upon the co-ordinate Executive and Judicial Departments, every bill which shall have passed both Houses of the Legislature shall be presented to the Governor ; if he approve he shall sign it, but if not he shall return it with his objections to the House in which it shall have originated, who shall enter the objections at large upon the Journals, and proceed to reconsider it ; if after such reconsideration a majority of the members elected shall agree to pass the bill, it shall be sent, with the objections, to the other House, by which it shall likewise be reconsidered ; if approved by a majority of the members elected of that House, it shall become a law ; but in such cases the votes of both Houses shall be determined by yeas and nays, and the names of the members voting for or against the bill shall be entered on the Journals of each House respectively ; if any bill shall not be returned by the Governor within five days (Sundays excepted,) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the General Assembly shall, by its adjournment, prevent its return, in which case it shall not be a law.

The question being upon its adoption ;

Mr. Mackubin demanded the yeas and nays ;

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Galt,	Manro,
Austin,	Groome,	McKaig,
Brent,	Hammond,	McMaster,
Brewer, of Mnt'y	Hardcastle,	Perry,
Brooke,	Hayden,	Pleasants,
Brown,	Hodson,	Rennolds,
Carter,	Longwell,	Rider,
Cover,	Mackubin,	Riggs,—24.
Denson,		

NEGATIVE.

Messrs.	Garey,	Murray,
Carmichael, P't,	George,	Nicolai,
Alvey,	Gill,	Parker,
Archer,	Goldsborough, D.	Parran, Chas. S.
Barnes,	Goldsborough, T.	Parran, John,
Barry,	Hall,	Peters,
Bateman,	Henderson,	Pole,
Bell,	Hoblitzell,	Ringgold,
Bennett,	Hollyday,	Rogers,

Brewer, Bal. city.	Horsey, of Som't.	Roman,
Buchanan,	Howard,	Silver,
Cosgrove,	Janvier,	Spates,
Cunningham,	Johnson,	Starr,
Dent,	Jones,	Stoddert,
Devries,	Kennedy,	Syester,
Dobbin,	Lee,	Tarr, of Caroline,
Dorsey,	Marbury,	Tarr, Worcester,
Duvall,	Massey,	Thomas,
Evans,	McCormick,	Vansant,
Farnandis,	McPherson,	Walsh,
Ferry,	Merryman,	Watkins, of Car.
Franck,	Morris,	Wickes—67.
Franklin,	Motter,	

So the amendment was rejected.

Mr. Carter submitted the following amendment :

Amendment to section 17 of Executive Department—strike out in line 9, the words “two thirds of the,” and insert in place thereof the words “a majority of the members elected to the said” and insert in line 11, between the words “by,” and “that,” the words “a majority of the members elected to.”

Pending the consideration of which,

Mr. Wickes moved to amend by striking out the 17th section ;

The question being upon its adoption ;

Mr. Wickes demanded the yeas and nays,

The demand being sustained ;

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Farnandis,	Longwell,
Austin,	Groome,	Manro,
Brent,	Hammond,	Rennolds,
Brewer, B. city,	Hardcastle,	Roman,
Brewer, of Mont.,	Hayden,	Silver,
Brooke,	Hoblitzell,	Spates,
Cover,	Janvier,	Syester,
Dent,	Johnson,	Wickes—24.
Duvall,		

NEGATIVE.

Messrs.	Garey,	Murray,
Carmichael, P't,	George,	Nicolai,
Alvey,	Gill,	Parker,

Archer,	Goldsborough, D.	Parran, C. S.
Barnes,	Goldsborough, T.	Parran John
Barry,	Henderson,	Perry,
Bateman.	Hodson,	Peters,
Bell,	Hollyday,	Pleasants,
Bennett,	Howard,	Pole,
Brown,	Jones,	Rider,
Buchanan,	Kennedy,	Riggs,
Carter,	Lee,	Ringgold,
Cosgrove,	Mackubin,	Rogers,
Cunningham,	Marbury,	Starr,
Devries,	Massey,	Stoddert,
Dobbin,	McCormick,	Tarr, Caroline,
Dorsey,	McKaig,	Tarr, of Worc'r,
Evans,	McMaster,	Vansant,
Ferry,	McPherson,	Walsh,
Franck,	Merryman,	Watkins, of Car.
Franklin,	Morris,	Watkins, of Mont.
Galt,	Motter,	—64.

So the motion to strike out the 17th section, did not prevail ;

The question then recurring upon the amendment submitted by Mr. Carter,

Mr. George submitted the following amendment :

Article 17, insert in the 9th line, after the word "the," word "whole;"

Pending the consideration of which,

On motion of Mr. Tarr, of Worcester,

At 3 o'clock P. M. the Convention adjourned.

FRIDAY, June 7, 1867.

The Convention met.

Prayer by the Rev. Mr. Leech.

Present at the call of the roll the following members :

Messrs. Carmichael, (President,) Alvey, Archer, Austin, Barnes, Barry, Bateman, Bell, Bennett, Brent, Brewer, of Baltimore city, Brewer, of Montgomery, Brooke, Brown, Buchanan, Carter, Chambers, Cosgrove, Cover, Cunningham, Dent, Devries, Dobbin, Dorsey, Duvall, Emack, Evans, Farnandis, Ferry, Flaherty, Franck, Franklin, Galt, Garey, George, Giddings, Gill, Goldsborough, of Dorchester, Goldsborough, of Talbot, Groome, Hall, Hammond, Hardcastle, Hayden, Henderson, Hoblitzell, Hodson, Hollyday, Horsey, of Somerset, Howard, Howison, Janvier, Johnson Jones, Kennedy, Kilbourn, Lee, Longwell, Mackubin, Manro, Marbury, Massey, Maulsby, McCormick, McKaig, McMaster, McPherson, Morris, Motter, Murray, Nicolai, Page, Parker, Parran, Charles S., Parran, John, Perry, Peters, Pleasants, Pole, Rennolds, Rider, Ringgold, Ritchie, Rogers, Roman, Silver, Spates, Starr, Stoddert, Syester, Tarr, of Car oline, Tar, Worcester, Toadvine, Vansant, Walsh, Watkins, of Caroline, Watkins, of Montgomery, Wethered, Wickes, Wilkinson.—98.

The proceedings of yesterday were read and approved.

The President laid before the Convention the report of the Clerk of the Circuit Court of Worcester county, showing the number of cases tried, indictments found in said county for the years therein named :

CONSTITUTIONAL CONVENTION,

Annapolis, May 15, 1866.

Ordered, That the Clerks of the respective Circuit Courts of the State, and of the several Courts of Baltimore City, be requested to furnish to this Convention, as promptly as practicable, a statement setting forth for each year since 1860.

1st. The aggregate revenue of their respective offices.

2d. The amount received from each source of revenue.

3d. The expenses of their respective offices, and upon what account received.

By order,

MILTON Y. KIDD,

Secretary.

OFFICE OF THE CLERK OF THE CIRCUIT COURT
FOR WORCESTER COUNTY,
June 4, 1867.

Hon. Richard B. Carmichael,

President of the Constitutional Convention, Annapolis :

SIR:—I regret my inability to comply with the request contained in the foregoing order, and respectfully state as a cause of said inability, that there are no records or papers belonging to this office from which I can make the required statement. While I might furnish you such a statement for the limited period of my incumbency, it would be impossible for me to include in said statement any part of my predecessor's term of office without first procuring the requisite memoranda from his private books or papers. I therefore beg leave to refer you to our semi-annual returns on file in the office of the Comptroller of the Treasury, and from which, with very little delay or trouble, the requisite statement can be made.

Very respectfully your ob't serv't,

GEO. H. RICHARDSON, Clerk.

OFFICE OF THE CLERK OF THE CIRCUIT COURT
FOR WORCESTER COUNTY,
June 4, 1867.

Hon. R. B. Carmichael,

President of the Constitutional Convention,

SIR:—After an unavoidable delay of two weeks, caused by a protracted session of the May term of our Court, I respectfully submit the following statement in accordance with the Order of the Convention :

- 1864 May term—18 indictments found—12 convictions, 4 acquittals and 2 stetted.
- “ October term—6 indictments found—3 convictions, 2 acquittals and 1 stetted.
- 1865 May term—11 indictments found—5 convictions, 4 acquittals and 2 stetted.
- “ October term—22 indictments found—5 convictions, 6 acquittals, 5 stetted, 5 not prosecuted and off, and 1 quashed.
- 1866 May term—20 indictments—10 convicted 4 acquittals, 5 stetted and 1 continued for trial.
- “ October term—14 indictments—2 convictions, 6 acquittals, 1 stetted and 5 continued for trial.
- 1867 May term—25 indictments—10 convictions, 7 acquittals and 8 continued for trial.

State of Maryland, Worcester County, to wit:

I, George H. Richardson, Clerk of the Circuit Court for Worcester county, hereby certify that the foregoing statement is truly taken from the Record of Proceedings of the said Circuit Court this 4th day of June Anno Domini 1867.

In testimony whereof, I hereunto subscribe my name and affix the seal of the Circuit Court aforesaid.

[SEAL.]

GEO. H. RICHARDSON,
Clerk.

OFFICE OF THE CLERK OF THE CIRCUIT COURT,

FOR WORCESTER COUNTY,

June 4, 1867.

Hon. R. B. CARMICHAEL,

President Constitutional Convention :

SIR :—After an unavoidable delay of two weeks, caused by a protracted session of the May Term of our Court, I respectfully submit the following statement in accordance with the order of the Convention :

1865 January Term.—At this term 29 civil and 7 equity suits were brought, 11 judgments, rendered—duration of term 2 days.

“ May Term.—33 civil and 12 equity suits brought, 27 judgments rendered, 11 indictments found, Petit Jury in attendance 5 days—duration of term 6 days.

“ July Term.—18 civil and 3 equity suits brought, 17 judgments rendered—duration of term 2 days.

“ October Term.—31 civil and 5 equity suits brought, 21 judgments rendered, 22 indictments found, Petit Jury in attendance 5 days—duration of term 6 days.

1866. January Term.—37 civil suits brought, 16 judgments rendered—duration of term 3 day.

“ May Term.—54 civil and 9 equity suits brought, 33 judgments rendered, 20 indictments found, 3 Jury trials, Petit Jury in attendance 10 day—duration of term 10 day.

“ July Term, 29 civil and 6 equity suits brought, 14 judgments rendered—duration of term 1 day.

“ October Term.—49 civil and 3 equity suits brought, 35 judgments rendered, 14 indictments found, Petit Jury in attendance 4 days—duration of term 5 days.

Truly taken from the record of proceedings of the Circuit Court for Worcester county.

In testimony whereof, &c.,

[L. S.]

GEO. H. RICHARDSON, Clerk.

Which were read and referred to the Committee upon the Judiciary Department.

Also the following reports of the Clerks of the Commissioners of Talbot, Somerset and Harford counties ;

OFFICE COUNTY COMMISSIONERS, HARFORD COUNTY.

Bel-Air, June 4, 1867.

Hon. President Constitutional Convention :

*Dear Sir :—*In compliance with an order of the Convention I herewith transmit a statement of money paid or ordered to be paid, to the registers of voters, their clerks, printing and rent, for the years 1865, 1866 and 1867, as follows :

1865.....Registers :	Clerks :	Rent :	Printing :
\$934 00	\$287 00	\$122 00	\$657 00
'66 & '67 460 00	226 00	150 00	773 00
\$1,395 00	\$513 00	\$262 00	\$1,430 00
			\$3,600 00

Respectfully submitted,

JOHN F. SPICER, Clerk.

OFFICE OF COUNTY COMMISSIONERS,

TALBOT COUNTY, MD.,

Easton, June 5, 1867.

Secretary Constitutional Convention, Annapolis, Md.,

In reply to inquiry for amount of moneys paid to Registers of Voters, Clerks to Registers and Printers' Bill. I hereby certify that the following statement is truly taken from Levy List, 1866, and shows fully all moneys paid under the head of Registration of Voters :

Registers.....	\$720 00
Printing.....	158 00
Office rent.....	72 00
	<hr/>
	\$950 00

The Commissioners rejected the claims of Clerks to the Registers.

W. G. FEDDEMAN,

Clerk to Commissioners Talbot County.

COMMISSIONER'S OFFICE,
Princess Anne, June 4, 1867.

Amount levied the levy of 1866 to the several registers and their clerks.....	\$2,645 51
For printing lists of registered voters.....	340 50
	<hr/>
	\$2,985 00

By order,

CADMUS DASHIELL,
 Clerk of Commissioners of Somerset County.

Which was read and referred to the Committee upon the Elective Franchise and the qualification of voters.

Also, the following report of the Comptroller, in response to an order of the Convention :

STATE OF MARYLAND,
 TREASURY DEPARTMENT, COMPTROLLER'S OFFICE,
Annapolis, June 6, 1867.

HON. R. B. CARMICHAEL,
President, &c.

SIR :—In pursuance of an order of your Honorable Body, of this date, I have the honor to enclose herewith a statement showing the amount charged for public printing, as also the amount charged for printing the report of the State Superintendent of Public Instruction.

All of which is respectfully submitted.

WM. J. LEONARD,
 Comptroller.

C. A. WAILES,
 C. Clerk.

A statement showing the amount charged for Printing for the General Assembly, at the late session, and the amount charged for printing the School Reports and covers therefor, viz. :

Amount of printing done by order of the General Assembly per contract.....	\$60,816 43
Amount of bills for printing the Report of the State Superintendent of Public Instruction,	
20,000 Reports in English, with covers.....	\$23,218 00
5,000 Reports in German with covers.....	7,025 00
	<hr/>
	\$30,243 00

Which was read and referred to the Committee on Printing.

Mr. Wilkinson presented the petition of sundry citizens of Baltimore, praying the Convention to make a provision in the Constitution now being formed, for the election of Mayor and Members of the first and second branches of the City Council of Baltimore, to be held on a day so soon after the adoption of the Constitution by a vote of the people ;

Which was read, and

On motion of Mr. Gill,

Referred to the Baltimore city delegation.

Mr. Perry presented the petition of S. Heidelberger, S. Adler, H. Adler, S. Rosenbaum, Isaac Miller, Charles White and many others of the Jewish faith, praying that the Constitution may be so made as to secure to them and others of their belief, equal privileges with all religious denominations of the State ;

Which was read, and,

Referred to the Committee upon the Legislative Department.

Mr. Page presented the petition of 287 citizens of that portion of Somerset county proposed to be formed into a new county, against said new county scheme ; also, the petition of 134 citizens of said county upon same subject ; also, the petition of 76 citizens of said county upon the same subject ;

Which were read, and

Referred to the Committee upon a Proper Basis of Representation in the two Houses of the General Assembly, and a Proper Apportionment of Representatives in the same.

Mr. Tarr presented the petition of J. C. Bell, James Cannon, Littleton Jenkins and 195 others, in favor of the formation of Wicomico county, all of whom reside within the limits of the proposed new county ;

Which was read, and

Referred to the Committee upon a Proper Basis of Representation in the Two Houses of the General Assembly, and a proper Apportionment of Representatives in the same.

Mr. Tarr, of Worcester, submitted the following order:

Ordered, That the Committee upon a Proper Basis of Representation in the Two Houses of the General Assembly, and a proper Apportionment of Representatives in the same, submit to the inspection of the delegates from Worcester and Somerset, the petitions for and against the formation of a new county, so as to ascertain if the signers reside within the

prescribed limits of the proposed new county ;

Which was adopted.

Mr. Tarr, of Caroline, submitted the following order ;

Ordered, That it be entered upon the Journal, that Mr. Hubbard is detained from his seat in the Convention in consequence of illness in his family ;

Which was adopted.

The Convention then resumed the consideration of the unfinished business of yesterday,

Being the report of the Committee upon the Executive Department ;

The question recurring upon the amendment submitted by Mr. George ;

Pending which,

Mr. McMaster (by unanimous consent) asked and was granted leave of absence from the sessions of the Convention for one week.

Mr. Gill (by unanimous consent) asked and was granted leave of absence from the Convention for to-morrow.

The Convention then resumed the consideration of the Report of the Committee upon the Executive Department.

Pending which,

Mr. Carter, (by unanimous consent,) withdrew the amendment submitted by him on yesterday.

The question then recurring upon the amendment submitted by Mr. George,

Mr. Stoddert submitted the following amendment :

1. In line 9 strike out the words "two-thirds of" and insert "three-fifths of the members elected to the same."

2. And in line 11 insert after the word "by," the words "three-fifths of the members elected to."

3. Strike out in line 16 the word "ten," and insert "six" in its place.

4. Insert in line 16 after the word "excepted," the words "after it shall have been presented to him."

5. In line 18 strike out "it" and add after the word "present," the words "its return, in which case it shall not be a law."

Which was adopted.

Mr. Rider submitted the following amendment :

In line 8 strike out "consider," and insert "reconsider,"
Which was adopted.

Mr. Lee submitted the following amendment :

17 Sec. amendment. To strike out from the beginning of the section to include the word "departments" in the 3rd line.

Which was rejected.

On motion of Mr. Lee,

The vote by which the amendment submitted by Mr. Stoddert was adopted, was reconsidered.

The question then recurring upon the adoption of the amendment,

Mr. Wickes submitted the following amendment to the amendment :

Strike out the words "three-fifths" wherever they occur, and insert the words "a majority."

Pending the consideration of which,

Mr. Kennedy moved the previous question.

The question then being,

"Shall the main question be now put?"

It was decided in the affirmative.

The question then recurring upon the amendment submitted by Mr. Wickes,

Mr. Wethered demanded the yeas and nays.

The demand being sustained ;

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

Messrs.	Hammond,	Manro,
Austin,	Hardcastle,	Rennolds,
Brewer, B. city.	Hayden,	Rider,
Brewer, of M'y.	Hoblitzell,	Ringgold,
Brooke,	Howison,	Roman,
Cover,	Janvier,	Silver,
Duvall,	Kilbourn.	Syester,
Groome,	Longwell,	Watkins, Mon.
		Wickes.--24.

NEGATIVE.

Messrs.	Franck,	Morris.
Carmichael, Pt.,	Franklin,	Motter,
Alvey,	Galt,	Murray,
Archer,	Garey,	Nicolai,
Barnes,	Giddings,	Page,
Barry,	Gill,	Parker,
Bateman,	Goldsborough, D.	C. S. Parran,
Bell,	Goldsborough, T.	John Parran,
Brown,	Hall,	Perry,
Buchanan,	Henderson,	Peters,
Carter,	Hollyday,	Pleasants,
Chambers,	Howard,	Pole,
Cosgrove,	Johnson,	Ritchie,
Cunningham,	Jones,	Rogers,
Dent,	Kennedy,	Starr,
Devries,	Mackubin,	Stoddert,
Dobbin,	Marbury,	Tarr, Caroline,
Dorsey,	Massey,	Tarr, Wor.
Emack,	McCormick	Vansant,
Evans,	McKaig,	Walsh,
Ferry,	McMaster,	Watkins, of Car.
Flaherty,	McPherson,	Wethered—65.

So the amendment submitted by Mr. Wickes,
Was rejected.

Pending the call of the yeas and nays on the above amendment,

Mr. Maulsby asked to be excused from voting,
Which was unanimously granted.

The question then recurring upon the amendment submitted by Mr. Stoddert,

It was adopted.

The Convention then proceeded to the consideration of the 18th Section,

Pending which,

Mr. Barry submitted the following amendment :

Section 18, Executive Department, strike out all after the word "to," in line 2, and insert "to examine under oath the Treasurer and Comptroller of the State on all matters pertaining to their respective offices, and inspect and review their bank and other account books ;"

Which was adopted.

Mr. Nicolai moved to strike out the whole section,
Decided in the negative.

The 19th and 20th Sections were then read,
Pending the consideration of the 21st Section,
Mr. Hall submitted the following amendment :

Strike out " five hundred " in the second line of the 21st
Section ;

Which was rejected.

Mr. Wilkinson submitted the following amendment :

Strike out the words "four thousand five hundred," and
insert the words "five thousand ;"

The question being upon its adoption,

Mr. Stoddert demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Goldsborough, D,	Peters,
Archer,	Lee,	Wilkinson—9.
Barry,	Marbury,	
Dent,	Nicolai,	

NEGATIVE.

Messrs.	Galt,	Morris,
Carmichael, P't,	Giddings,	Motter,
Alvey,	Gill,	Murray,
Austin,	Goldsborough, T,	Page,
Barnes,	Hall,	Parker,
Bateman,	Hammond,	Parran, C. S.
Bell,	Hardcastle,	Parran, John
Bennett,	Hayden,	Pleasants,
Brewer, B. city,	Hoblitzell,	Pole,
Brewer, of Mont.,	Hollyday,	Rennolds,
Brown,	Horsey, of Som.,	Rider,
Buchanan,	Howard,	Ringgold,
Carter,	Howison,	Ritchie,
Chambers,	Janvier,	Rogers,
Cosgrove,	Johnson,	Roman,
Cover,	Jones,	Silver,
Cunningham,	Kennedy,	Starr,
Devries,	Kilbourn,	Stoddert,
Dobbin,	Longwell,	Syester,
Dorsey,	Mackubin,	Tarr, of Caroline,
Duvall,	Manro,	Walsh,

Emack,	Massey,	Watkins, of C.,
Evans,	Maulsby,	Watkins, of M.,
Ferry,	McCormick	Wethered,
Flaherty,	McKaig,	Wickes,
Franck,	McMaster,	Whitman—79.
Franklin,	McPherson,	

So the amendment was rejected.

Mr. Giddings submitted the following amendment :

Add : And it shall be the duty of the next General Assembly to provide an Executive Mansion in lieu of that transferred to the United States ;

Which was rejected.

The Convention then proceeded to the consideration of the 22nd Section,

Pending which,

Mr. Barry submitted the following amendment :

“ Strike out Section 22nd ; ”

Which was unanimously adopted.

The Convention then proceeded to the consideration of the 23rd Section (as amended 22d),

Pending which,

Mr. Carter submitted the following amendment :

Strike out the words “ five hundred,” in line 5 ;

The question being upon the adoption of the amendment,

Mr. Duvall demanded the yeas and nays,

The demand being sustained,

The yeas and nays were ordered and appeared as follows :

AFFIRMATIVE.

Messrs.	Goldsbrough, T.	Murray,
Alvey,	Groome,	Page,
Austin,	Hall,	Parker,
Bennett,	Hammond,	Parran, John
Brewer, of Mont.,	Hardcastle,	Pole,
Buchanan,	Hayden,	Rider
Carter,	Henderson,	Ritchie,
Chambers,	Hoblitzell,	Stoddert,
Cover,	Horse, of S.,	Syester,
Cunningham,	Howison,	Tarr, of Caroline,
Devries,	Janvier,	Tarr, of Wor.,
Dorsey,	Johnson,	Toadvine,

Duval,
 Franck,
 Franklin,
 Galt,
 Giddings,

Longwell,
 Mackubin,
 McMaster,
 Morris,

Walsh,
 Watkins, of Car.,
 Watkins of Mont.,
 Wickes—48.

NEGATIVE.

Messrs.
 Carmichael, Pt.,
 Archer,
 Barnes,
 Barry,
 Bateman,
 Bell,
 Brewer, B. city,
 Brooke,
 Brown,
 Cosgrove,
 Dent,
 Dobbin,
 Emack,
 Evans,
 Ferry,

Flaherty,
 Garey,
 Gill,
 Goldsborough, D.,
 Hollyday,
 Howard,
 Jones,
 Kennedy,
 Kilbourn,
 Lee,
 Manro,
 Marbury,
 Massey,
 Maulsby,
 McCormick,

McKaig,
 McPherson,
 Motter,
 Parran, C. S.
 Peters,
 Pleasants,
 Rennolds,
 Ringgold,
 Rogers,
 Silver,
 Spates,
 Starr,
 Vansant,
 Wethered,
 Wilkinson—45.

So the amendment submitted by Mr. Carter,
 Was adopted.

Mr. C. S. Parran submitted the following amendment :

Strike out at end of section the words "one thousand dollars," and insert "two thousand dollars, and shall reside at the seat of government during his continuance in office, and perform all the duties appertaining to the office ;"

Pending the consideration of which,

Mr. Chambers demanded the yeas and nays ;

The demand being sustained, the yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.
 Carmichael, P't,
 Barnes,
 Barry,
 Brewer, of B. city,
 Cover,
 Devries,
 Flaherty,
 Giddings,

Gill,
 Hodson,
 Hollyday,
 Howison,
 Kilbourn,
 Mackubin,
 Manro,
 Marbury,
 Maulsby,

Parran, C. S.,
 Peters,
 Rennolds,
 Roman,
 Stoddert,
 Tarr, of Caroline,
 Vansant,
 Wethered,
 Wilkinson—26.

NEGATIVE.

Messrs.	Galt,	Morris,
Alvey,	Garey,	Murray,
Austin,	Goldsborough, D.	Page,
Bateman,	Goldsborough, T.	Parker,
Bell,	Groome,	Parran, J.,
Bennett,	Hall,	Pleasants,
Brewer, of M'y,	Hammond,	Pole,
Brown,	Hardcastle,	Rider,
Buchanan,	Hayden,	Ringgold,
Carter,	Henderson,	Ritchie,
Chambers,	Hoblitzell,	Rogers,
Cosgrove,	Horse, of S'mt,	Silver,
Cunningham,	Howard,	Spates,
Dent,	Janvier,	Starr,
Dorsey,	Johnson,	Syester,
Duvall,	Jones,	Tarr, of Wor.,
Emack,	Kennedy,	Toadvine,
Evans,	Lee,	Walsh,
Farnandis,	Longwell,	Watkins, Car.,
Ferry,	McCormick,	Watkins, of M'y,
Franck,	McKaig,	Wickes—63.
Franklin,	McMaster,	

So the amendment submitted by Mr. C. S. Parran, was rejected.

Mr. Wethered submitted the following amendment :

Strike out the words "one thousand" and insert fourteen hundred.

Mr. Mackubin submitted the following amendment :

Strike out "one thousand dollars," and insert "two thousand dollars," and shall reside at the seat of government; and the office of private Secretary shall thenceforth cease.

Pending the consideration of which,

Mr. Carter moved the previous question ;

Which was not sustained.

The question recurring upon the adoption of the amendments ;

Mr. Walsh demanded the yeas and nays ;

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Giddings,	Massey,
Carmichael, P't.	Gill,	Maulsby,
Barnes,	Goldsborough, D,	McCormick,

Barry,	Goldsborough, T.	McKaig,
Bateman,	Hardcastle,	McMaster
Brewer, B. city,	Henderson,	McPherson,
Brooke,	Hoblitzell,	Morris,
Brown,	Hodson,	Motter,
Buchanan,	Hollyday,	Peters,
Carter,	Howard,	Pleasants,
Chambers,	Howison,	Pole,
Cosgrove,	Johnson,	Rennolds,
Cover,	Jones,	Ritchie,
Cunningham,	Kennedy,	Roman,
Dent,	Kilbourn,	Stoddert,
Dobbin,	Longwell,	Tarr, of Caroline.
Evans,	Mackubin,	Vansant,
Flaherty,	Marbury,	Watkins, C.—54.
Garey.		

NEGATIVE.

Messrs.	Galt,	Parker,
Austin,	Groome,	Parran, John
Bell,	Hammond,	Rogers,
Brewer, Montg'y,	Hayden,	Silver,
Dorsey,	Horse, of Som.,	Spates,
Emack,	Janvier,	Toadvine,
Ferry,,	Lee,	Walsh,
Franck,	Murray,	Wethered,
Franklin,	Page,	Wickes,—25.

So the amendment submitted by Mr. Mackubin was adopted.

The Convention then proceeded to the consideration of the 24th (as amended 23d,) Section ;

Mr. Mackubin submitted the following amendment :

Add at the end of the 23d Section ; “together with all the other clerical duties belonging to the Executive Department.”

Which was adopted.

Mr. Bateman moved that the Convention do now adjourn ;

Decided in the negative.

On motion of Mr. Motter,

By unanimous consent, leave of absence was granted to Mr. Murray, and himself, from the sessions of the Convention for a few days.

Mr. Bateman renewed the motion to adjourn ;

Decided in the negative.

Mr. Marbury moved that the Convention do now adjourn until Tuesday next.

Mr. Rider moved that the Convention adjourn until Monday next.

On motion of Mr. Ritchie,

At 3 o'clock and ten minutes, P. M., the Convention adjourned.

SATURDAY, June 8, 1867.

The Convention met.

Prayer by Rev. Mr. Leech.

Present at the call of the roll the following members:

Messrs. Carmichael, (President,) Austin, Barnes, Bateman, Bell, Brown, Buchanan, Carter, Chambers, Cosgrove, Cover, Cunningham, Dent, Dobbin, Emack, Evans, Ferry, Franklin, Giddings, Goldsborough, of Dorchester, Goldsborough, of Talbot, Hammond, Hayden, Henderson, Hoblitzell, Hodson, Hollyday, Howard, Howison, Johnson, Kennedy, Longwell, Mackubin, Marbury, McKaig, McPherson, Page, Parker, Rennolds, Ritchie, Roman, Spates, Starr, Stoddert, Tarr, of Caroline, Vansant, Watkins of Caroline, Wethered, Wickes.—49.

No quorum being present ;

On motion of Mr. Stoddert ;

The Sergeant-at-arms was ordered to notify the absent members, now in the city, to give their attendance.

After an absence of twenty minutes, the Sergeant-at-arms returned and reported that all the members, now in the city, were already in attendance.

On motion of Mr. Carter ;

At eleven o'clock and twenty minutes, A. M., the Convention adjourned until ten o'clock Monday morning.

MONDAY, June 10, 1867.

The Convention met.

Prayer by Rev. Mr. Henderson.

Present at the call of the roll the following members :

Messrs Carmichael, (President,) Barnes, Barry, Bell, Brewer of Baltimore city, Brown, Buchanan, Chambers, Cosgrove, Cover, Cunningham, Denson, Dobbin, Emack, Ferry, Flaherty, Franck, Galt, Garey, George, Giddings, Gill, Goldsborough, of Talbot, Hayden, Henderson, Hoblitzell, Hodson, Howard, Howison, Kilbourn, Lee, Longwell, Mackubin, Maulsby, McKaig, Merryman, Parker, Parran, John, Perry, Pleasants, Rennolds, Rider, Ritchie, Rogers, Roman, Spates, Starr, Stoddert, Tarr, of Caroline, Watkins, of Caroline, Wickes, Whitman.—47.

No quorum being present ;

On motion of Mr. Barnes ;

The Door-keepers were ordered to notify the absent members, now in the city, to give their attendance.

After an absence of twenty minutes the Door-keepers returned and reported that all the members, now in the city, were already in attendance.

Hon. William M. Merrick, member elect from Howard county appeared, qualified and took his seat.

On motion of Mr. McKaig ;

At 11 o'clock, and fifteen minutes, the Convention adjourned.

TUESDAY, June 11, 1867.

The Convention met.

Prayer by the Rev. Mr. Burke.

Present at the call of the roll the following members :

Messrs. Charmichael (President,) Archer, Austin, Barnes, Barry, Bateman, Bell, Brewer, of Baltimore city, Brown, Buchanan, Chambers, Cosgrove, Cover, Cunningham, Denson, Dent, Dobbin, Dorsey, Emack, Farnandis, Ferry, Flaherty, Franck, Franklin, Galt, Garey, George, Giddings, Gill, Goldsborough, of Dorchester, Goldsborough, of Talbot, Groome, Hammond, Hardcastle, Hayden, Henderson, Hoblitzell, Hodson, Horsey, of Frederick, Horsey, of Somerset, Howard, Howison, Ireland, Jamison, Janvier, Johnson, Kilbourn, Lee, Longwell, Mackubin, Massey, Maulsby, McCormick, McKaig, Merrick, Merryman, Morris, Nelson, Page, Parker, John Parran, Perry, Peters, Pleasants, Renolds, Rider, Ringgold, Ritchie, Rogers, Roman, Silver, Spates, Starr, Stoddert, Syester, Tarr, of Caroline, Tarr, of Worcester, Vansant, Walsh, Watkins, of Caroline, Watkins, of Montgomery, Wethered, Wickes, Wilkinson.—82.

The proceedings of yesterday were read and approved.

The President laid before the Convention, the following reports of the Clerks to the Circuit Courts of Baltimore city and Howard county, in response to an order of the Convention :

CIRCUIT COURT OF BALTIMORE CITY,

June 5, 1867.

To the Hon. Richard B. Carmichael,

President of the Maryland State Constitutional Convention :

SIR :—The undersigned, Clerk of the Circuit Court of Baltimore city, has the honor, in obedience to your order of May 15th ult., respectfully to report to your Honorable Body, that he entered upon the discharge of his duties as Clerk of said Court, on the 26th day of March 1864, by appointment from the Hon. William Alexander, Judge of said Court, and continued in that capacity, under said appointment until the State election in the month of November, 1865, at which election I was duly elected Clerk of said Court, and that prior to the said 26th day of March, 1864, this respondent has no knowledge whatever of the aggregate revenue, its resources nor the expenses of the Clerk's office of this Court.

I further respectfully report to your Honorable Body, 1st, that the aggregate revenue of this office since the said 26th

day of March, 1864, to the 10th day of January 1867, (the time of the last report of this office to the Comptroller) was the sum of fifteen thousand four hundred and sixty-nine dollars and ninety-seven cents, (\$15,469.97) which was received as follows :

From the 10th of March, 1864, to 10th July, 1864	\$ 366 53
“ “ July, 1864, to 10th Jan. 1865	2,161 30
“ “ Jan., 1865, to 10th July, 1865	2,505 79
“ “ July, 1865, to 10th Jan., 1866	3,292 05
“ “ Jan., 1866, to 10th July, 1866	3,582 00
“ “ July, 1866, to 10th Jan., 1867	3,562 30
	<hr/>
	\$15,469 97

2d. The sources of revenue of this office are derived from costs taxed to each suit instituted and concluded.

3d. The expenses of this office since 26th March 1864, to January 10th 1867, was as follows :

From 26th March, 1864, to 10th July, 1864,	\$ 518 34
“ 10th July, 1864, to 10th January, 1865,	2,212 83
“ “ January, 1865, to 10th July, 1865,	2,639 80
“ “ July, 1865, to 10th January, 1866,	2,840 25
“ “ January, 1866, to 10th July, 1866,	3,071 82
“ “ July, 1866, to 10th January, 1867,	4,160 50
	<hr/>
	\$15,443 54

The disbursements of the said expenses during the period aforesaid, have been as follows :

To Samuel M. Evans, Clerk, salary,.....	\$6,250 00
“ Charles Alexander, Assistant Clerk....	3,156 78
“ Frank J. Bryson, “ “	470 00
“ Edward S. McCoy, “ “	257 83
“ J. W. S. Diggs, “ “	2,571 48
“ J. H. Fogle, “ “	1,926 95
“ A. C. Varden, “ “	600 00
	<hr/>
	\$15,233 04

Janitor and sundry expenses.....	210 50
	<hr/>
	\$15,443 54

Due the State of Maryland.....	26 43
	<hr/>
	\$15,469 97

The foregoing reports have been regularly sworn to by the above named persons and reported to the Honorable, the Comptroller of the State of Maryland.

All of which is respectfully submitted,

SAMUEL M. EVANS,
Clerk of the Circuit Court of Baltimore city.

ELLCOTT CITY,
June 6, 1867.

To the Hon. R. B. Carmichael,
President of the Constitutional Convention,

SIR:—In obedience to the order of the Convention, requesting the Clerks of the respective Circuit Courts of the State, and of the several Courts of Baltimore city, to furnish the Convention with a statement setting forth for each year since 1860,

1st. The aggregate revenue of their respective offices.

2d. The amount received from each source of revenue.

3d. The expenses of their respective offices, and upon what account received.

I beg leave to submit the following statement :

1861.

For the year 1861, the aggregate revenue was.....	\$ 2,095 04
---	-------------

Derived from the following sources :

For recording deeds, chattels, &c., including copies and certificates	2,51 20	
For fees in civil cases (law side).....	2,91 35	
For fees in equity cases.....	66 27	
For fees for issuing licenses.....	92 00	
5 per cent. commission on monies collected for the State.....	101 72	
County levy for 1861.....	1,292 50	
	<hr/>	
	\$2,095 04	\$2,095 04

Expenses for 1861, as follows :

Clerk's salary.....	\$650 00
Print'g bl'ks & other exp'n'ses	20 00

Nett revenue.....	<hr/>	\$1,425 04
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1862.

For the year 1862, the aggregate revenue was.....	\$ 1,922 39
---	-------------

Derived as follows :

Recording deeds, &c., including copies and certificates.....	\$250 80
Fees in civil cases (law side).....	301 88
Fees in equity cases.....	47 20
Fees for issuing licenses.....	91 50

5 per cent. on monies collected for State.....	106 34	
County levy.....	1,124 67	
	<hr/>	<hr/>
	\$1,922 39	\$1,922 39

Expenses for 1862.		
Clerk's salary.....	\$650 00	
Printing, &c.....	15 00	665 00
		<hr/>
Nett revenue.....		\$1,267 39
		<hr/>

1863.

For 1863, the aggregate revenue was \$2,190 95

Derived as follows :

Recording, copies, certificates, &c.,	283 20	
Fees in civil cases (law side).....	378 00	
Fees in equity cases.....	144 00	
Fees on licenses.....	93 50	
Commissions on State collections.....	143 67	
County levy.....	1,138 56	
	<hr/>	<hr/>
	\$2,180 93	\$2,180 93

Expenses for 1863.

Clerk's salary.....	\$650	
Printing, &c.....	10	660 00
		<hr/>
Nett revenue.....		1,520 93

1864.

The aggregate revenue for 1864..... \$2,218 70

Derived as follows :

Recording, copies, certificates, &c....	338 40	
Fees in civil cases (law side).....	248 00	
Fees in equity cases.....	217 00	
Fees on licenses.....	116 50	
Commissions on collections.....	134 09	
County levy	1,164 71	
	<hr/>	<hr/>
	\$2,218 70	\$2,218 70

Expenses for 1864.

Clerk's salary.....	\$650	
Blanks, &c.....	10	660 26
		<hr/>
Nett revenue.....		\$1,558 70

1865.

For 1865, the aggregate revenue was \$2,255 26

Derived as follows :

Recording, copies, certificates, &c....	\$396 80
---	----------

Fees in civil cases.....	194 00	
Fees in equity cases.....	195 00	
Fees on licenses.....	127 00	
Commissions on State monies.....	138 96	
County levy.....	1,203 50	
	<hr/>	
	\$2,255 26	\$2,255 26

Expenses for 1865.

Clerk's salary.....	\$650	
Blank forms, &c.....	5	655 00

Nett revenue.....		\$1,600 26
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1866.

The aggregate revenue for 1866.....		\$2,632 91
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Derived as follows:

Recording, copying, certificates, &c.,	450 00	
Fees in civil cases.....	170 70	
Fees in equity cases.....	160 84	
Fees on licenses.....	134 00	
Commission on State monies.....	151 37	
County levy.....	1,566 00	
	<hr/>	
	\$2,632 91	\$2,632 91

Expenses for 1866.

Clerk's salary.....	\$800	
Printing, &c.....	40	840 00

Nett revenue.....		\$1,792 91
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The County Commissioners have always furnished fuel and stationary for this office.

Respectfully submitted,

W. W. WATKINS, Clerk.

Which were read, and

Referred to the Committee upon the Judiciary Department.

Also, the following Reports of the Clerk's to the County Commissioners of Kent, Calvert and St. Mary's counties:

REPORTS:

CHESTERTOWN, KENT CO., MD.,

June 5, 1867.

HON. RICHARD B. CARMICHAEL,

President of the Constitutional Convention of Maryland:

SIR.—The County Commissioners for Kent County have ordered to be paid to the several Registers and their Clerks for

services rendered, eleven hundred and twenty-five dollars ; for printing lists of registered voters in bills and in the papers, and for notice of registers of time and place to meet, have levied for the use of the printers the sum of two hundred and eighty-seven dollars and twenty-five cents.

Registers and Clerks,.....	\$1,125 00,
Printing same,.....	287 25,
	<hr/>
	\$1,412 25

Yours, &c.,

JOHN RUSSELL,
Clerk, Kent Co. Commissioners.

OFFICE COUNTY COMMISSIONERS OF CALVERT Co.,
Prince Frederick, June 5, 1867.

TO HON. RICHARD B. CARMICHAEL,

President of the Constitutional Convention of Maryland :

DEAR SIR—In compliance with the order of the Convention, I have to report \$892 as the amount paid Officers of Registration, Clerks, &c.

Yours Very Respectfully,

WM. IRELAND,
Clerk Co. Commissioners.

OFFICE OF Co. COMMISSIONERS,
FOR ST. MARY'S Co., *June 2nd, 1867.*

HON. R. B. CARMICHAEL,

President of the Constitutional Convention of Maryland :

The amount paid the Registers and their Clerks in this County, for services in registering voters, 1867 inclusive, is fifteen hundred and seventy-four dollars (\$1,574 00), and amount paid for printing under the Registry Law, is eleven hundred and sixty-four dollars and fifty cents (\$1,164 00).

Very Respectfully,

JAS. H. WILSON,
Clerk.

Which were read, and severally referred to the Committee upon the Elective Franchise and the Qualification of Voters.

On motion of Mr. Silver,

By unanimous consent, it was ordered to be entered on the Journal, that Mr. Evans is absent from the session of the Convention, on account of sickness in his family.

On motion of Mr. Goldsborough, of Talbot,

By unanimous consent, it was ordered to be entered on the Journal, that Mr. Kennedy, is absent from the sessions of the Convention, on account of sickness.

Mr. Pleasants (by unanimous consent) asked and was granted leave of absence from the sessions of the Convention for one week.

Mr. Merryman presented the memorial of the Prison Association of the State of Maryland ;

Which was read, and

On motion of Mr. Merryman,

Referred to the Committee upon the Legislative Department.

Mr. Barnes presented the memorial of Wm. H. Roberts, John K. Saddler and others, relating to the Mayor and City Council of Baltimore ;

Which was read, and,

On motion of Mr. Barnes,

Referred to the Baltimore City Delegation.

The President laid before the Convention the petition of James Dwyer, of Springfield, Illinois, praying "official recognition," by this Convention, of the National Flag and National Seal of the Kingdom of Ireland ;

Which was read.

Mr. Dobbin submitted the following order :

Ordered, As the sense of this Convention that the whole subject of the individual relations of the States of this Union to foreign nations having been committed by the Constitution of the United States, to the general Government, this Convention, representing the Government and people of an individual State, can take no action upon the petition of James T. Dwyer, except to declare that the citizens of Maryland, composed in large part of Irishmen and their descendants, will ever witness with deep solicitude any measures promotive of the welfare and happiness of the people of Ireland.

And it is further ordered, That the said petition be printed for general information, upon the Journal of the Convention.

Which was unanimously adopted.

The petition of James T. Dwyer, Springfield, Illinois, United States, North America, asking, on behalf of the Irish people, that the Constitutional Convention now convened at Annapolis, for the amendment of the present Constitution of the State of Maryland, make the official recognition of "*The National Flag and the National Seal*" of the kingdom of Ireland, as known and acknowledged by contemporary nations previous to the year 1800, part of the proceedings of its body, by inserting in the amended Constitution, general or special provisions causing such recognition, and also declaring *belligerent rights* to the Irish people and for other purposes :

SPRINGFIELD, ILLINOIS,

May 25, 1867.

To the President and members of the Constitutional Convention convened at Annapolis for the amendment of the present Constitution of the State of Maryland :

Your petitioner would respectfully represent to your Honorable Body that he is a native of Ireland and a citizen of the United States and of the State of Illinois, that he owes no allegiance and never did owe any but compulsory allegiance, to the Crown of Great Britain, acting through the unlawful dictation of the Imperial Parliament. On the contrary he claims that the so-called Union between England and Scotland, and Ireland, dating from the year 1800, having transferred by violence, fraud and corruption to English soil, without any sanction or authority from the Irish people, the whole of their legislative rights, as existing up to that period, and that in defiance not only of the local laws and Constitution of Ireland, but also in direct violation of the well settled "law of nations," which substantially declares :

"That no voluntary transfer from one nation to another of National or Legislative rights or powers can be accomplished so as to make it binding on the transferred Nation unless it can be shown to the satisfaction of the acknowledged government and for their future peace and security, that the people of the transferred nationality have been called on to vote *for* or *against* the transfer, and that the question of *transfer* has gone through the form of casting the popular vote *for* and *against* the measure, and that in case of refusal or omission to attach this imperative qualification to the change, the transfer is *null* and *void*, and the transferred parties are fully clothed with belligerent rights for the arrest of the transfer, or the restoration of their original condition, regardless of the time which may have elapsed, before they have the military ability to place themselves in a belligerent position."

And by which it will be seen that this law of nations com-

pels civilized governments to act under its imperative dictates as exhibited in the popular vote taken in the case of *Savoy* before its annexation to France, and which vote was clamorously demanded of Louis Napoleon as an international obligation by the press, Parliament, oligarchy, churchmen, politicians and people of England, in the jealous hope that the people of Savoy would cast a negative vote to the mortification of the French.

More recently, and to carry out the spirit of this popular and international principle, *Venetia* after being conquered from Austria, was called on to take a formal popular vote before her annexation to the Kingdom of Italy ; so that no pretence should be left for opening up future discussions as to the willingness of the people to the annexation and removing effectually any excuse on this question for disturbing the peace of Europe hereafter.

While writing, the telegraph announces the *Government of Canada* "the people of the separate provinces having been called on to vote *for or against* the confederation." British injustice by this substantial act, voluntarily admitting the correctness of the principle as regards the Canadas, and at the same time denying it as to Ireland.

The commanding necessity of compelling nations to adhere strictly to this international principle, is fully illustrated by the position which the omission to take a formal vote of the Irish people at the time of the fictitious union between England and Ireland, has placed both countries in, as regards their relations to the sister nations. Governments civilized and uncivilized, whose interests are for the maintenance of peace, without being in any manner parties to this omission, but which, owing to those many besetting complications surrounding national interests, know not at what moment that the Irish people, scattered abroad by the million and fully alive to the international defect of the Union, and exasperated by the last sixty-seven years of brutal legislation and misgovernment of Ireland, by the Imperial Parliament of Great Britain, may burst into a conflagration, involving not only British interests, but also those of innocent and unoffending nations, in a desolating and universal war with every indication of its being a war of retaliation and extermination between the original parties. Because there is no disguising the conclusion that this question "of not having taken the popular vote" of the Irish people in the year 1800, or a refusal on the part of the Crown of Ireland to restore the Irish Parliament *which it has the exclusive right of doing*, by the easy process of taking at some future, but not far distant day, the vote of the people of Ireland *for or against* her do-

mestic Parliament, must and will result in a determined effort to drive from the soil of Ireland the present reigning family and its parasites.

Your petitioner would further represent that previous to the illegal absorption of the Irish domestic Parliament by the Imperial Parliament of Great Britain, Ireland was governed by her own Parliament, exercising supreme legislative functions. The Crown of Ireland, through its vice-roy or Lord Lieutenant possessing a simple *veto* power over the acts of the Irish Parliament similar to that now exercised over the Imperial Parliament of Great Britain, and having no more constitutional authority from any source, real or pretended, to transfer the Irish Parliament to the soil of England without the consent of the people of Ireland, than it would to transfer the present Imperial Parliament of Great Britain to the soil of France or the shores of Maryland, without the consent of the people of Great Britain.

So forcible is this position of the want of authority in the Crown of Ireland, to sanction the annihilation of the Irish Parliament, that had this Union resulted in the same disaster to England as it has been disastrous to Ireland, the unconstitutional action of George the III, in giving his willing sanction to it, would have been made a basis of impeachment against him and his advising ministers, and England would have many years since changed the executive head of her Government, and probably purged herself of the whole Guelph family and of Royalty.

This national independence which was annihilated by the Union of 1800, carried with it the right to maintain an army and navy—to coin money—punish crime, and contract loans on the credit of the Irish Nation. It also conferred the right to carry on the high sea, and at the head of her armies a distinct national emblem, this national emblem being well known and acknowledged as "*the national flag of the Kingdom of Ireland.*" The right to use a separate and distinct "seal" was also possessed and acted on by Her National Executive and public functionaries.

And your petitioner would further state, that it will be found on examination of "the Journals of the Irish Parliament of the date of the so called Union of 1800," that *the essential vote of the people of Ireland never* was taken, nor *ordered* to be taken by said Parliament; and your petitioner claims in common with hosts of more able authorities, speaking and writing in denunciation of this Union from the year 1800 to the present day, that by reason of this and other defects in the proceedings, the Union of Great Britain and Ireland never has been accomplished *as a legal fact*; and that consequently the official *National Flag*, as carried by the

Irish army and navy previous to the year 1800, and the *official seal* used by her public functionaries, still exist and have been from the year 1800 to the present time, in a condition of illegal suppression by force of English arms, and that they are now only waiting the legal action of foreign independent governments and foreign tribunals of international law, to restore them to their original condition of acknowledged nationality.

Your petitioner would therefore respectfully ask that your Honorable Body would pass a resolution declaring substantially, "That the official vote of the people of Ireland sanctioning the removal of the Irish Parliament and Irish Government from Ireland to England in the year 1800, required by the law of nations, not having been demanded or given at that time or since *the flag*, as acknowledged, and *the seal*, as used by the Irish Government, up to the year 1800, have, not by the operation of the so-called Act of the Union of Ireland with England in any manner, lost their legal international standing in the State of Maryland, and that they still represent the independent government of Ireland, and will be recognized by us when called on to do so by any provisional government, exhibiting rational evidence of stability and existence which may hereafter be organized for their national restoration, and that we hereby acknowledge the right of such provisional government to organize and arm, and that such provisional government, its allies, adherents and supporters, are, and shall for ever remain *belligerents* in any war carried on for such national restoration of said *Flag* and *Seal* of the Kingdom of Ireland."

And your petitioner would further ask, "that the Legislature and Executive of the State of Maryland, be fully empowered in the amended Constitution to carry out the provisions of the foregoing resolutions, by inserting a special article authorizing them to issue the credit of the State of Maryland to said provisional Irish Government, and to enter into any contract with said government not conflicting with the Constitution of the United States and the State of Maryland, *provided*, the products, navigation, copy patent, civil, legal and religious rights of Maryland and Ireland are placed on an entire equality of full and unrestricted freedom as regards each other."

Your petitioner would most respectfully submit, that he does not wish to be understood as claiming, that the State of Maryland has any sovereign right to attach any official value to any flag or seal outside of the powers vested by the Constitution in the Federal Government, but he does claim that the State of Maryland, or any and all of the States can express their individual opinions when an international law is violated—as to the value of the political obligations of the

suffering or delinquent nationalities, and in this particular case. Great Britain denying the political or national existence of said *flag* and *seal* of Ireland, and insisting from the year 1800, that they had no existence—being brought before you, as part of one of the great nations of the earth, to be tried at the bar of public opinion, and failing in presenting you with an unbroken chain of Constitution, Parliamentary and international facts and law, in support of her pretensions, and relying solely on her ability to exercise jurisdiction by “brute force;” you certainly have the natural right to give expression to your opinions, as citizens, individually or collectively in Convention, and to take any reasonable steps in spreading your conclusions and desires before the world, not conflicting with the international laws as received or with the Constitution and laws of the United States.

But the semi-official or official admission by the State of Maryland, and all the other States of the Union as individual States of the *legal status* of “the Irish flag” and “seal” *within each State*, would certainly be followed by a similar admission on the part of Congress, which admission would be tantamount to an international legal decision. That the Act of Union between England and Ireland, dating from the year 1800, has never been legally accomplished, the international obligation of the national vote of the people of Ireland being wanting to complete the connection.

Should the State individually, and Congress afterwards declare that *the flag* and *seal* of Ireland previous to the year 1800, represents the Irish Government, their declarations would be followed by other independent governments, and *the belligerent rights* of the Irish people claiming under this strong title universally admitted.

Your petitioner would respectfully suggest that the prompt action of the State of Maryland in acknowledging “the Flag” and “Seal” of Ireland, is at the present time of immense moment to Ireland. Many of our sister States are holding their Constitutional Conventions, others are holding their Legislative sessions, and each of them will be asked for the recognition of “the Flag” and “Seal.” The Constitutional Convention of the State of Michigan, has a copy of this document before it for disposition, and it is desirable that each and all should express themselves promptly, and in terms of affirmation on a question of such vital importance.

In conclusion, your petitioner regards “this Flag” and “Seal” question as the turning point of Irish Independent Legislation, and asks the State of Maryland and the other States of the Union, for the practical sympathy and assistance which the free and prosperous should be always willing

to extend to the public and down-trodden, and asks you again to admit the present legal existence—within the State of Maryland—of “the Flag” and “Seal” of the Irish Nation, as recognized before the year 1800, and the belligerent rights of the Irish people until a vote of the Irish people is taken “for” or “against” a Union with England.

JAMES T. DWYER.

Mr. Gill submitted the following order :

Ordered, That the Committee on Corporations be instructed to investigate the proceedings of the Mayor and City Council of Baltimore since the election of the present incumbents, and particularly into their proceedings relative to the endorsements by the City of Baltimore, of the Union Rail Company's bonds, and to the building of a new City Hall, and that said Committee be authorized to send for perons and papers.

Which was read, and,

On motion of Mr. Horsey, of Frederick;

The further consideration thereof was postponed for one day.

Mr. Merryman submitted the following order :

Ordered, That the Committee on corporations and Public Works inquire into the expediency of incorporating an article into the Constitution, requiring all Railroads hereafter to be built within this State, shall in crossing any turnpike road, be built either above the bed of said turnpike roads at sufficient height to enable carriages, wagons or any vehicle of pleasure or burden to cross unimpeded, or said Railroads shall be constructed beneath the bed of said turnpike roads, for the same object and purpose, leaving thereby the bed of said turnpike roads unobstructed, done so as to avoid the destruction of life and property within this State.

Which was adopted.

Mr. Rennolds submitted the following order :

Ordered, That hereafter any member absenting himself from the service of the Convention without leave, shall, when he returns, be called to the bar of the House, and be publicly reprimanded by the President, unless such member shall have been detained by sickness and unable to attend.

Which,

On motion of Mr. Denson,

Was laid on the table.

Mr. Ritchie, Chairman of the Committee upon the rate of Interest and the Usury laws of the State, submitted the following

REPORT :

The committee appointed to consider and report upon the rate of Interest and the Usury laws of the State, recommend that the following be added as section — to the Article on the Legislative Department :

Sec. — In the absence of contract the rate of Interest shall be six per cent. per annum ; but it shall be lawful to contract for the payment of any rate of interest ; *provided*, that no greater rate than six per cent. shall be allowed or recovered, unless the contract, wherein the same is agreed upon, be in writing.

ALBERT RITCHIE,
J. H. PLEASANTS,
CHAS. A. BUCHANAN,
E. G. EMACK,
JOHN EVANS.

Which was read a first time.

The Convention then resumed the consideration of the unfinished business of Friday last, being the report of the Committee upon the Executive Department,

Pending which,

Mr. Stoddert moved to reconsider the vote by which the 5th Section of the Report was ordered to a second reading.

Decided in the negative.

The Report was then read a second time, and

On motion of Mr. Pleasants,

Ordered to be engrossed for a third reading.

The Convention then took up for consideration the Report of the Committee upon the Treasury Department,

Said Report being upon a second reading,

On motion of Mr. Bateman,

The further consideration of the Report was informally postponed.

The Convention then took up for consideration the Report of the Committee upon Education ;

Said Report being upon a second reading,

The 1st Section was then read,

Pending the reading of the 2nd Section,

Mr. Franklin submitted the following amendment :

Omit all after the word "and" in third line, and insert
 "shall expire when the system provided for in 1st section
 shall be adopted;"

Mr. George submitted the following amendment :

"Sec. 2. The Public Schools of the city of Baltimore, shall
 be a separate organization, under the control of the Mayor
 and City Council of said city ,"

Pending the consideration thereof,

On motion of Mr. Barnes,

The further consideration of the report was postponed, and
 made the order of the day for Tuesday next, at 12 o'clock, M.

On motion of Mr. Merryman,

At 2 $\frac{1}{4}$ o'clock, the Convention adjourned.

WEDNESDAY, June 12, 1867.

The Convention met.

Prayer by the Rev. Mr. Henderson.

Present at the call of the roll the following members :

Messrs. Carmichael, (President,) Alvey, Austin, Barnes, Barry, Bateman, Bell, Bennett, Brewer, of Montgomery, Brown, Buchanan, Chambers, Cosgrove, Cover, Cunningham, Denson, Dent, Devries, Dobbin, Dorsey, Duvall, Emack, Farnandis, Ferry, Flaherty, Ford, Franck, Franklin, Galt, Garey, George, Giddings, Gill, Goldsborough, of Dorchester, Goldsborough, of Talbot, Groome, Hall, Hammond, Hayden, Henderson, Hoblitzell, Hodson, Horsey, of Frederick, Horsey, of Somerset, Howard, Howison, Ireland, Jamison, Janvier, Johnson, Lee, Longwell, Mackubin, Manro, Massey, Maulsby, McCormick, McKaig, McPherson, Merrick, Merryman, Morris, Motter, Murray, Nelson, Nicolai, Page, Parker, Parran, John, Perry, Peters, Rennolds, Rider, Riggs, Ringgold, Ritchie, Rogers, Silver, Spates, Starr, Stoddert, Syester, Tarr, of Caroline, Tarr, Worcester, Vansant, Wallace, Walsh, Watkins, of Caroline, Watkins, of Montgomery, Wethered, Whitman, Wickes, Wilkinson.—93.

Upon the call of the roll,

On motion of Mr. Barnes,

The Doorkeepers were ordered to notify the absent members now in the city to give their attendance.

After an absence of fifteen minutes the Doorkeepers returned and reported that they had notified all the absent members in the city, and that they were now in attendance.

On motion of Mr. Barnes,

All further proceedings under the call were dispensed with.

The proceedings of yesterday were read and approved.

The President laid before the Convention the Report of the Clerk to Commissioners of Caroline County, showing amount paid State's Attorneys, Judges of the Orphan's Court and Clerk to the Circuit Court in said county ;

Which were read

Also the following report of said Clerk, showing amount paid Registers of voters in said county ;

COMMISSIONER'S OFFICE,
CAROLINE COUNTY,
Denton, June 6, 1867.

Hon. R. B. CARMICHAEL,

President Convention :

Sir:—I have the honor to submit the following report, in response to an order of the Convention :

Amount paid Registers and Clerks for registering voters for 1866,.....	\$729 60
Amount paid for publishing list of registered voters.....	65 00

I am; with respect, &c.,

WM. H. CHARLES, Clerk,

To Commissioners of Caroline County.

Which was read, and,

Referred to the Committee upon the Elective Franchise and the qualification of voters.

Also, showing amount paid President and Commissioners Public Schools in said county,

Which was read, and,

Referred to the Committee upon Education.

Also, the following report :

COMMISSIONER'S OFFICE,

CAROLINE COUNTY,

Denton, June 6, 1867.

HON. RICHARD B. CARMICHAEL,

President of the Convention :

Sir:—I have the honor to submit the following statement in response to an order of the Convention :

Amount of assessable property in Caroline county, under late assessment, \$4,073,852.

I am, with respect, &c.,

W. H. CHARLES, Clerk,

To Commissioners of Caroline County.

Which was read, and,

Referred to the Committee upon the Judiciary Department.

Also, the following reports of the Clerk's to Commissioners of Carroll and Charles counties :

OFFICE OF COUNTY COMMISSIONERS,
Westminster, Md., June 8, 1867.

Hon. R. B. Carmichael,

President of the Constitutional Convention,

In compliance with an order of the Convention, I have the honor to report the following statement of monies paid and ordered to be paid to Registrars and their clerks for the registration of voters in Carroll county, and also for printed list of registered voters for same, under registry law of this State since their adoption, viz.:

For Registrars and their clerks.....	\$2,320 46
“ Printing list of registered voters.....	231 20
	<hr/>
	\$2,551 66

Your obedient servant,

LEVI VALENTINE, Clerk.

To Commissioners of Carroll County

CHARLES COUNTY COMMISSIONERS,
Port Tobacco, June 5, 1867.

Hon. Richard B. Carmichael,

SIR:—In obedience to an order of the Constitutional Convention of the 29th ultimo, I herewith transmit a statement of the amount paid to the Registers and their clerks to date, and also, the amount paid for printing.

Amount paid Registers and Clerks for 1866 and	
1867.....	\$1,151 75
Printing list of voters and other notices.....	241 75
	<hr/>
	\$1,393 50

Very Respectfully, your ob't serv't,

J. R. ROBERTSON, Clerk.

Which were read, and,

Referred to the Committee upon the Elective Franchise and the qualification of Voters.

Also, the following report of the Clerk to the Circuit Court for Calvert county, in response to an order of the Convention:

CLERK'S OFFICE OF THE CIRCUIT COURT FOR CALVERT COUNTY.

June 5, 1867.

*To the Hon. Richard B. Carmichael,**President of the State Constitutional Convention, Md..*

SIR:—In compliance with an order of your Honorable Body, I herewith transmit a statement of the aggregate revenue, as near as I can get at it, of my office, from the time I was elected Clerk, in November, 1863, to the present time; also, the amount received from each source of revenue, and the expenses of said office:

Aggregate revenue of office for 1864.....	\$1,700 00
“ “ “ 1865.....	1,600 00
“ “ “ 1866.....	2,050 00

The above amounts include all fees, good, bad and indifferent.

The amount from each source of revenue, as follow:

1864.

From the county.....	\$750 00
Foreign fees.....	150 00
County fees.....	400 00
Recording deeds and chancery proceedings....	400 00

\$1,700 00

1865.

From the county.....	\$800 00
Foreign fees.....	125 00
County fees.....	300 00
Recording deeds and chancery proceedings...	375 00

\$1,600 00

1866.

From the county.....	\$1,000 00
Foreign fees.....	250 00
County fees.....	400 00
Recording deeds and chancery proceedings	400 00

\$2,050 00

The expenses of my office for the years aforementioned, have averaged as follows:

My individual services, daily in the office, and board and horse feed.....	\$1,500 00
Clerk hire (one clerk).....	300 00

\$1,800 00

Which is respectfully submitted by

DENNIS B. M. DIXON, Clerk
of the Circuit Court for Calvert county.

Which was read, and

Referred to the Committee upon the Judiciary Department.

The Convention then resumed the consideration of the unfinished business of yesterday,

Being the order submitted by Mr. Dobbin, in reference to the Mayor and City Council of Baltimore,

Pending which,

On motion of Mr. Dobbin,

The further consideration thereof, was informally postponed.

Mr. Stoddert (by unanimous consent) submitted the following order :

Ordered, That the Committee upon the Legislative Department be instructed to consider the expediency to make it the duty of the Legislature, so soon as the public debt shall have been paid off, to cause to be transferred to the several counties and the City of Baltimore, stock in the Internal Improvement Companies, equal to the amount respectively paid by each towards the construction and completion of said works, at the then market values of said stock, to the support of free schools, or so much thereof as may be necessary; and any balance, to be used at the discretion of the counties or City of Baltimore, for their respective benefit;

Which was adopted.

The Convention then took up for consideration the Report of the Committee upon the Attorney General, and the States' Attorneys;

Said Report being upon a second reading,

The first section was then read;

Pending the reading of the second section;

Mr. Merryman submitted the following amendment;

Strike out in the 17th line the word "three," before the word "thousand," and insert the word "five;"

Decided in the negative.

Mr. Mackubin submitted the following amendment:

Strike out in the 17th line the words "three thousand," and insert the words "twenty-five hundred."

Mr. Peters submitted the following amendment.

Strike out in the 17th line the words "three thousand," and insert the words "thirty-five hundred."

Decided in the negative.

The question then recurring upon the amendment submitted by Mr. Mackubin ;

The question being upon its adoption,

Mr. Bateman demanded the yeas and nays ;

The demanded being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Ferry,	Motter,
Alvey,	Franklin,	Murray,
Austin,	Galt,	Page,
Barnes,	Goldsborough, D.	Parker,
Bateman,	Goldsborough, T.	Parran, John,
Bell,	Hall,	Riggs,
Brewer, of Mnt'y	Hammond,	Rogers,
Carter,	Hayden,	Silver,
Cover,	Hoblitzell,	Spates,
Cunningham,	Ireland,	Stoddert,
Dent,	Jamison,	Syester,
Devries,	Longwell,	Wallace,
Dorsey,	Mackubin,	Watkins, of Car.
Duvall,	Merrick,	Watkins, of M.,
Emack,	Morris,	—43

NEGATIVE.

Messrs.	Garey,	McPherson,
Carmichael, P't,	George,	Merryman,
Archer,	Giddings,	Nelson,
Barry,	Gill,	Nicolai,
Bennett,	Groome,	Perry,
Brewer, Bal. city.	Henderson,	Peters,
Brown,	Horsey, of F.,	Rennolds,
Buchanan,	Howison,	Ringgold,
Chambers,	Janvier,	Ritchie,
Cosgrove,	Johnson,	Starr,
Denson,	Lee,	Vansant,
Dobbin,	Manro,	Wethered,
Flaherty,	Massey,	Wickes,
Ford,	Maulsby,	Whitman—43.
Franck,	McCormick,	

So the amendment submitted by Mr. Mackubin,

Was rejected.

Mr. Watkins of Montgomery, submitted the following amendment :

Add at end of Section second the words " Provided the Governor shall not employ any additional counsel in any case whatever unless authorized by the General Assembly, "

Which was adopted.

The section as amended was then read.

The Convention then proceeded to the consideration of the 3rd Section.

Pending which,

Mr. Barry submitted the following amendment as a substitute for the 3rd Section :

Section 3. No person shall be eligible to the office of Attorney General who is not a citizen of this State and a qualified voter therein, and has not resided and practiced law in this State for at least ten years ;

Which was adopted.

The Section as amended was then read.

The fourth and fifth Sections were then read.

Pending the consideration of the 6th Section,

Mr. Tarr, of Caroline, submitted the following amendment :

Add after the words " on the " in 3rd line, the following :
"Tuesday next after the first Monday of November, in the year 1867 ;"

Which was adopted.

The Section as amended was then read.

The 7th Section was then read.

Pending the consideration of the 8th Section,

Mr. Carter submitted the following amendment :

Amendment to Sec. 8. Strike out in line 4 the word "five" and insert in its place the word "three."

Mr. Gill submitted the following amendment to the amendment :

Strike out the word "three" and insert "four."

Pending the consideration of which,

Mr. Gill moved that the question be divided ;

Decided in the affirmative.

The question then recurring upon the striking out of the words "five thousand," in line 4 ;

It was decided in the affirmative.

Mr. Ritchie moved to fill the blank with the words "four thousand five hundred ;"

Decided in the negative.

The question then recurring upon the amendment submitted by Mr. Gill ;

It was rejected.

The question then recurring upon the amendment submitted by Mr. Carter ;

Mr. Gill moved to fill the blank with the words "three thousand five hundred ;"

The question being upon concurring in the motion of Mr. Gill ;

Mr. Denson demanded the yeas and nays,

The demand being sustained ;

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Ford,	Motter,
Carmichael, P't,	Franck,	Nelson,
Alvey,	Garey,	Nicolai,
Austin,	George,	Page,
Barnes,	Gill,	Rennolds,
Barry,	Goldsborough, T.	Rider,
Brewer, B. city,	Henderson,	Ringgold,
Brown,	Horse, of F'dk,	Ritchie,
Denson,	Howison,	Rogers,
Dent,	Manro,	Vansant,
Dobbin,	Maulsby,	Wallace,
Ferry,	McPherson,	Whitman—36
Flaherty,		

NEGATIVE.

Messrs.	Galt,	McCormick
Archer,	Goldsborough, D.	McKaig,
Bateman.	Hall,	Merrick,
Bell,	Hammond,	Morris,
Bennett,	Hayden,	Murray,
Brewer, of Mont.,	Hoblitzell,	Parker,
Buchanan,	Hodson,	Parran John
Carter,	Horse, of Som.,	Riggs,
Chambers,	Howard,	Silver,

Cosgrove,	Ireland,	Spates,
Cover,	Jamison,	Stoddert,
Cunningham,	Janvier,	Syester,
Devries,	Johnson,	Tarr, Caroline,
Dorsey,	Lee,	Walsh,
Duvall,	Longwell,	Watkins, of Car.
Emack,	Mackubin,	Watkins, of Mont.
Farnandis,	Massey,	Wickes—51.
Franklin,		

So the motion submitted by Mr. Gill ;

Did not prevail.

The question again recurring upon the amendment submitted by Mr. Carter ;

It was adopted ;

And the blank was filled with the words “three thousand.”

The section as amended,

Was then read.

Pending the reading of the 9th Section,

Mr. Nelson submitted the following amendment :

9th Section, line 3, strike out the words “one year,” and insert “two years ;”

Which was adopted.

The section as amended was then read ;

The report, as amended, was then read a second time and ordered to be engrossed for a third reading.

On motion of Mr. Barnes (by unanimous consent),

Leave of absence was granted Mr. Peters from the sessions of the Convention for three days.

Mr. Rodgers (by unanimous consent), asked and was granted leave of absence from the sessions of the Convention until Monday next.

On motion of Mr. Wethered,

At 2½ o'clock, P. M., the Convention adjourned.

THURSDAY, June 13, 1867.

The Convention met.

Prayer by the Rev. Mr. Burke.

Present at the call of the roll the following members:

Messrs. Carmichael, (President,) Alvey, Archer, Austin, Barnes, Barry, Bateman, Bell, Bennett, Bradley, Brent, Brewer, of Montgomery, Brown, Buchanan, Carter, Chambers, Cosgrove, Cover, Cunningham, Denson, Dent, Devries, Dobbin, Dorsey, Duvall, Emack, Farnandis, Ferry, Flaherty, Ford, Franck, Franklin, Galt, Garey, Giddings, Gill, Goldsborough, of Dorchester, Goldsborough, of Talbot, Groome, Hall, Hammond, Hayden, Henderson, Hoblitzell, Hodson, Hollyday, Horsey, of Frederick, Horsey, of Somerset, Howard, Howison, Hubbard, Ireland, Jamison, Janvier, Johnson, Jones, Kilbourn, Lee, Longwell, Mackubin, Manro, Marbury, Maulsby, McCormick, McKaig, McPherson, Merrick, Mitchell, Morris, Motter, Murray, Nelson, Nicolai, Page, Parker, John Parran, Perry, Rennolds, Rider, Riggs, Ringgold, Ritchie, Silver, Spates, Starr, Stoddert, Syester, Tarr, of Caroline, Tarr, of Worcester, Thomas, Vansant, Wallace, Walsh, Watkins, of Caroline, Watkins, of Montgomery, Wethered, Wickes, Wilkinson—97.

The proceedings of yesterday were read and approved.

The President laid before the Convention the following report of the Clerk to the Commissioners of Montgomery county:

OFFICE OF COUNTY COMMISSIONERS,

Rockville, June 10, 1867.

Hon. R. B. Carmichael,

President of the Constitutional Convention:

DEAR SIR:—Owing to my absence from Rockville, for the past ten days, your communication was not received until today. The Registers of voters for this county, have as yet, not been paid. There will be levied this year, for

Registers for 1865, '66 and '67.....	\$1,032,00
Clerks to Registers.....	435,00
Printing lists, notices, &c.....	524,00

Very Respectfully,

JOS. A. TANEY,

Clerk to Commissioners.

Which was read, and,

Referred to the Committee upon the Elective Franchise and the Qualification of Voters.

On motion of Mr. Gill,

The Convention took up for consideration the order submitted by him, the further consideration of which was on yesterday, informally postponed ;

Pending which,

Mr. Gill submitted the following order as a substitute :

Ordered, That the Committee on Public Works and Corporations be instructed to investigate such of the proceedings of the Mayor and City Council of Baltimore, as may be deemed necessary by such Committee, particularly relative to the endorsements by the city of Baltimore of the Union Railroad Company's bonds, and to the building of a new City Hall, and that John H. Barnes, Outerbridge Horsey and Fendall Marbury, members of said Committee, be a sub-committee to proceed to Baltimore and there make the investigation ;

Which was adopted.

Mr. Dobbin, (by unanimous consent) presented the memorial of sundry citizens of Baltimore, praying that the Convention will take some action in relation to the Mayor and City Council of Baltimore ;

Which was read, and,

Referred to the Baltimore City Delegation.

Mr. Jones (by unanimous consent,) presented the petition of one hundred and thirty-eight citizens of Somerset county, against the New County scheme ;

Which was read, and,

On motion of Mr. Rider ;

Referred to the Somerset and Worcester county Delegations.

The Convention then took up for consideration the report of the Committee upon the Treasury Department, said report being upon a second reading.

The Convention then proceeded to the consideration of the first section ;

Pending which ;

Mr. Rider submitted the following amendment :

In section 1, line 2, between the words "Comptroller and chosen," insert "and Treasurer;" and between the words "shall" in line 3, and "receive" in line 4, insert "each," and strike out all between "dollars" in line 4, and "dollars" in line 7.

Which was rejected.

Mr. Carter submitted the following amendment:

Treasury Department, amendment to section 1.

Strike out all after the word "duties" in line 17, and insert in lieu thereof the following words: "as are now or may hereafter be prescribed by law;"

Which was adopted.

The first section as amended was then read.

The second section of the Report was then read.

Pending the consideration of the third section;

Mr. Dobbin submitted the following amendment:

Amend section 3 by striking out all down to the word "same," inclusive in the second line, and inserting "The Treasurer shall receive the moneys of the State and deposit them as soon as received, to the credit of the State until otherwise prescribed by law, in such bank or banks as he may from time to time select, and which selection the Governor shall approve, the said bank or banks to give security satisfactory to the Governor, for the safe keeping and forthcoming when required, of said deposits and disburse the same for the purposes of the State, according to law;"

Which was adopted.

The section as amended was then read.

Pending the consideration of the 4th section;

Mr. Hall submitted the following amendment:

Amendment to be inserted after the word "Comptroller," in the 2d line of section 4, "and shall publish monthly an abstract thereof, showing the amount of cash on hand and the place or places of deposit thereof, in such newspapers as the Governor may direct;"

Which was adopted.

The section as amended was then read.

Pending the consideration of the 5th section;

Mr. Bateman submitted the following amendment:

Strike out the word "second" in second line, and insert in

lieu thereof the word "third;" insert after the word "next," the words "or as soon thereafter as practicable."

Which was adopted,

The section, as amended,

Was then read.

Mr. Barry submitted the following amendment to be inserted as Section Six :

Sec. 6. In any case wherein charges shall be preferred to the Governor against the Comptroller or Treasurer for incompetency, malfeasance in office, wilful neglect of duty, or misappropriation of the funds of the State, it shall be the duty of the Governor to forthwith notify the party so charged and fix a day for a hearing of said charges, and if from the evidence taken under oath on said hearing before the Governor, the said allegations shall be sustained, it shall be the duty of the Governor to remove said offending officer, and to appoint another in his place, who shall hold his office for the unexpired term of the officer so removed ;

Which was adopted.

On motion of Mr. Hollyday,

The vote by which section first was ordered to a second reading,

Was reconsidered.

Mr. Hollyday submitted the following amendment :

Section 1. Insert after the word "ballot" in 5th line, the following, viz. : "whose term of office shall be for two years, and until their successors shall qualify ;"

Which was adopted.

The Report, as amended, was then read a second time, and,

On motion of Mr. Hollyday,

Ordered to be engrossed for a third reading.

The Convention then took up for consideration the Report of the Committee upon the Elective Franchise and the Qualification of Voters ;

Pending which,

On motion of Mr. Wickes,

The further consideration thereof was informally postponed.

Mr. Jones, Chairman of the Select Committee, (by unanimous consent) submitted the following

REPORT:

The Select Committee to examine and report upon the election and qualification of the Members to the Constitutional Convention, beg leave to report that they have discharged the duty assigned to them by examining the returns of the election held on the 10th day of April, in the year 1867, in the several counties of the State, and in the several legislative districts of Baltimore city, and have ascertained and report that the following members have been duly elected and qualified as members of the said Convention, as follows:

ALLEGANY COUNTY.—Thomas Perry, Alfred Spates, William Walsh, J. Philip Roman, Jacob Hoblitzell, Thomas J. McKaig.

ANNE ARUNDEL COUNTY.—James R. Howison, Thomas I. Hall, E. G. Kilbourn, Luther Giddings.

BALTIMORE CITY, 1st District.—Lindsay H. Rennolds, Ezra Whitman, John H. Barnes, Isaac S. George, Joshua Vansant, Edward F. Flaherty, James A. Henderson.

2d District.—George M. Gill, George Wm. Brown, Bernard Carter, Albert Ritchie, Henry F. Garey, George W. Dobbin, J. Hall Pleasants.

3d District.—James R. Brewer, John Ferry, J. Montgomery Peters, John Franck, Joseph P. Merryman, I. M. Denson, Walter S. Wilkinson.

BALTIMORE COUNTY.—Chas. A. Buchanan, John Wethered Ephraim Bell, Anthony Kennedy, Samuel W. Starr, Charles H. Nicolai, Robert C. Barry.

CALVERT COUNTY.—John Parran, Charles S. Parran, John F. Ireland.

CAROLINE COUNTY.—R. E. Hardcastle, Charles E. Tarr, Tilghman H. Hubbard, W. H. Watkins.

CARROLL COUNTY.—John K. Longwell, George W. Manro, Sterling Galt, Benjamin W. Bennett, Thomas F. Cover, William N. Hayden.

CECIL COUNTY.—Benjamin B. Chambers, George R. Howard, James B. Groome, James O. McCormick, Eli Cosgrove.

CHARLES COUNTY.—Walter Mitchell, Vivian Brent, John T. Stoddert.

DORCHESTER COUNTY.—James Wallace, Wm. T. Goldsborough, George E. Austin, Levin Hodson.

FREDERICK COUNTY.—William P. Maulsby, Frederick J. Nelson, Harry W. Dorsey, Outerbridge Horsey, William S. McPherson, John B. Thomas, Dewitt C. Johnson.

HARFORD COUNTY.—Henry D. Farnandis, Henry W. Archer, John Evans, Evans S. Rogers, Henry A. Silver.

HOWARD COUNTY.—Wm. M. Merrick, James Mackubin, Henry O. Devries, James Morris.

KENT COUNTY.—Joseph A. Wickes, Richard W. Ringgold, C. H. B. Massey, Wm. Janvier.

MONTGOMERY COUNTY.—Greenberry M. Watkins, Nicholas Brewer, Saml. Riggs, of R., Washington Duvall.

PRINCE GEORGE'S COUNTY.—John F. Lee, John B. Brooke, Fendall Marbury, Elbert G. Emack.

QUEEN ANNE'S COUNTY.—Richard B. Carmichael, Thomas J. Keating, Washington Finley, Stephen J. Bradley.

ST. MARY'S COUNTY.—Robert Ford, John F. Dent, Baker A. Jamison.

SOMERSET COUNTY.—Purnell Toadvine, Thomas F. J. Rider, James L. Horsey, Isaac D. Jones, Henry Page.

TALBOT COUNTY.—William Goldsborough, Richard C. Hollyday, Henry E. Bateman, Ormond Hammond.

WASHINGTON COUNTY.—Andrew K. Syester, Richard H. Alvey, Joseph Murray, S. S. Cunningham, William Motter, George W. Pole.

WORCESTER COUNTY.—J. Hopkins Tarr, Littleton P. Franklin, Thomas P. Parker, Samuel S. McMaster, George W. Covington.

All of which is respectfully submitted,

ISAAC D. JONES, Chairman.

HENRY W. ARCHER,

S. J. BRADLEY,

W. MITCHELL,

JOSHUA VANSANT.

Which was read, and,

On motion of Mr. Jones,

Concurred in.

The Convention then took up for consideration the report of the Committee to Consider and report upon the Rates of Interest and the Usury Laws of the State ;

Pending which,

Mr. Denson submitted the following amendment :

Strike out the word "six" in 2d and 4th lines and insert "seven ;"

Mr. Bradley submitted the following amendment :

Strike out the whole Article and insert the following :

“ The rate of interest shall be regulated by the Legislature of the State, and shall not exceed seven per cent. per annum; ”

Pending the consideration of which,

Mr. Bradley demanded the yeas and nays ;

Which was not sustained.

The question then recurring upon the amendment,

It was rejected.

Mr. Merrick moved to strike out the whole section ;

Pending the consideration of which,

On motion of Mr. Nelson,

The Convention at two o'clock and forty minutes, P. M., adjourned.

FRIDAY, June 14, 1867.

The Convention met.

Prayer by Rev. Mr. Henderson.

Present at the call of the roll the following members :

Messrs. Charmichael (President,) Alvey, Archer, Austin, Barry, Bateman, Bell, Bennett, Bradley, Brent, Brewer, of Baltimore city, Brewer, of Montgomery, Brown, Buchanan, Carter, Chambers, Cover, Cunningham, Dent, Devries, Dobbin, Dorsey, Duvall, Emack, Farnandis, Ferry, Flaherty, Ford, Franck, Franklin, Galt, Garey, George, Giddings, Gill, Goldsborough, of Dorchester, Goldsborough, of Talbot, Groome, Hall, Hammond, Hardcastle, Hayden, Henderson, Hoblitzell, Hodson, Hollyday, Howard, Howison, Hubbard, Ireland, Jamison, Janvier, Johnson, Jones, Kilbourn, Lee, Longwell, Mackubin, Manro, Marbury, Maulsby, McCormick, McKaig, McPherson, Merrick, Merryman, Mitchell, Morris, Motter, Murray, Nelson, Page, John Parran, Perry, Pleasants, Pole, Rennolds, Rider, Riggs, Ringgold, Ritchie, Silver, Spates, Starr, Stoddert, Syester, Tarr, of Caroline, Tarr, of Worcester, Thomas, Toadvine, Vansant, Wallace, Watkins, of Caroline, Watkins, of Montgomery, Wethered, Wickes, Wilkinson.—95.

The proceedings of yesterday were read and approved.

The President laid before the Convention, the following communication from the Attorney General :

ANNAPOLIS, 13th June, 1867.

To Hon. R. B. CARMICHAEL,

President, &c.

Sir :—I have read in the papers of to-day, among the proceedings of the Convention, some allegations of neglect of my official duty as Attorney General of the State which, in justice to myself, I beg leave respectfully to correct.

I never have to the extent of my ability neglected any official duty required of me, and I am willing to meet any investigation of this matter that may be instituted.

In addition to my official duties performed in my office, which, in consumption of time, exceeded all the others, I have attended to State cases in the Circuit Courts of Anne Arundel, Howard and Montgomery counties, in the Court of Appeals and in the Supreme Court of the United States, and these are the only cases wherein I have been required, according to the Constitution, by the Governor or General Assembly, to represent the State. It is true that suits in which the State was a party have been instituted, prosecuted or defended by other counsel in behalf of the State, wherein, under other circumstances it would have been my duty to represent the State, but they all will be found to be cases in which either I had been retained as counsel before my election to this office, and could not, therefore, with propriety act for the State, or wherein the Governor or other officers of the State employed other counsel to represent the State.

With great respect, I am

Your obedient servant,

A. RANDALL,

Attorney General, of Md.

Which was read, and,

On motion of Mr. Brown ;

Was ordered to be entered on the Journal.

Mr. Syester (by unanimous consent,) asked, and was granted leave of absence from the sessions of the Convention until Thursday next, 20th inst.

Mr. McCormick submitted the following order :

Ordered, That the Committee respecting the appointment, tenure of office, duties and compensation of all civil officers

not embraced in the duties of other standing Committees, be directed to inquire into the expediency of abolishing the office of Commissioner of the Land Office, and of designating some other officer to perform the duties required of that officer ;

Which was adopted.

Mr. Howison, Chairman of Committee upon Accounts submitted the following report :

The Committee on Accounts respectfully submit the following

REPORT:

Under the Joint Resolution of the last Legislature requiring the Secretary of the Senate to have the Hall of the House of Delegates, &c., prepared in a proper manner for the use of the Convention, a number of accounts have been presented to the Committee for the necessary repairs and alterations, and for some articles of furniture for the Hall and Committee Rooms.

The Committee have required the Secretary of the Senate to certify that all the items and articles charged in these accounts were necessary for the purpose indicated in the Joint Resolution, and that the prices charged are just and reasonable, and they have also examined the several claimants and taken other proof on the same points, and recommend that the following accounts be allowed and paid :

Green & Claude, for furniture and many other articles for the repairs and alterations,.....	\$2,023 74
J. Hopkins & Son, for painting the Hall, passages, Committee Rooms, &c.,.....	323 00
Thomas A. Makibbin, for sundry repairs,.....	3 50
George Murdock, for cleaning and scouring the Hall and Committee Rooms, and for assisting in making the necessary alterations,.....	100 00
Augustus Gassaway, for his services in superintending and fitting up the Hall and Committee Rooms under the Joint Resolution of the Legislature,.....	200 00

The same allowances have been made on former occasions, and are justly due for the services rendered.

The accounts of Messrs. Cushing & Medary, and of J. W. Bond & Co., for stationery for the use of the Convention, have also been presented to the Committee, and have been examined and passed by them.

The stationery was purchased by the Librarian under an order of the Legislature, and that officer was before the Committee, proved the accounts, and certified to the reasonableness of the charges.

It has been usual to allow the Librarian some compensation for purchasing and distributing the stationery, and the Committee recommend that they be authorized to do so in this case.

The expense incurred for this object is about one-half the amount usually expended by the Legislature. The Committee, therefore, recommend the payment of Messrs. Cushing & Medary's account for \$2,103 50, and of the account of Messrs. J. W. Bond & Co., for \$2,319 00.

The carpenter's account for the repairs and alterations of the Hall and Committee Rooms, will be reported when satisfactorily adjusted by the Committee.

The Committee also recommend the payment of James Legg's account for furnishing ice for the use of the Convention, \$43 65.

Under an order of the Convention passed on the 31st of May, the Committee was required to take into consideration the propriety of paying a sum of money to S. T. Herbert for services rendered this Convention before the due installation into office of the officers of the Convention, and report the same to this House for its adoption.

The Committee have required into the merits of this case, and respectfully report that Mr. S. T. Herbert appears to have rendered voluntary services in the folding-room before the appointment of the additional folders, and the Committee are of opinion that he is entitled to compensation for eight days service. They recommend that he be paid accordingly.

JAMES R. HOWISON, Chairman,
HARRY W. DORSEY,
H. A. SILVER,
B. B. CHAMBERS,
ALFRED SPATES,
WM. JANVIER,
T. H. HUBBARD,
SAMUEL RIGGS, of R.

Which was read, and,

On motion of Mr. Howison,
Adopted.

Mr. Rider (by unanimous consent), submitted the following order :

Ordered, That it be entered on the Journal that Mr. Horsey, of Somerset, is absent from his seat on account of sickness ;

Which was adopted.

The Convention then resumed the consideration of the unfinished business of yesterday, being the report of the Committee to consider and report upon the Rates of Interest and the Usury laws of the State ;

The question then recurred upon the motion submitted by Mr. Merrick ;

Pending which,

Mr. Mitchell demanded the previous question ;

Which was not sustained.

The question then recurring upon the motion submitted by Mr. Merrick,

Mr. Dent demanded the yeas and nays ;

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Goldsborough, T.	McPherson,
Alvey,	Hammond,	Merrick,
Archer,	Hardcastle,	Motter,
Austin,	Hayden,	Nelson,
Brent,	Hoblitzell,	Parran, John,
Brewer, Mont.,	Hodson,	Perry,
Chambers,	Howard,	Rennolds,
Cover,	Hubbard,	Rider,
Dent,	Ireland,	Silver,
Devries,	Jamison,	Spates,
Dorsey,	Janvier,	Starr,
Duvall,	Johnson,	Syester,
Ford,	Kilbourn,	Thomas,
Franklin,	Mackubin,	Walsh,
Galt,	Manro,	Watkins, of Mo'y
Giddings,	Maulsby,	Wethered
Goldsborough, D,	McKaig,	Wickes—50.

NEGATIVE.

Messrs.	Franck,	Morris,
Carmichael, Pre't	Garey,	Murray,
Barry,	George,	Page,
Bell,	Gill,	Pleasants,

Bennet,	Groome,	Pole,
Bradley,	Henderson,	Riggs,
Brewer, of B. city	Hollyday,	Ringgold,
Brown,	Howison,	Ritchie,
Buchanan,	Jones,	Stoddert,
Carter,	Lee,	Tarr, of W.,
Cunningham,	Longwell,	Toadvine,
Dobbin,	Marbury,	Vansant,
Emack,	McCormick,	Watkins, of Car.
Ferry,	Merryman,	Wilkinson,—43.
Flaherty,	Mitchell,	

So the motion submitted by Mr. Merrick prevailed, and the whole section was stricken out.

Pending the call of the roll on the above question ;

Mr. Tarr, of Caroline, asked to be excused from voting, which was unanimously granted.

Mr. Groome submitted the following as a substitute:

Substitute for entire section :

“The legal rate of interest shall be six per cent. per annum, but contracts in writing may be made for any rate, unless and until the General Assembly shall otherwise enact ;”

Mr. Wethered moved to lay the whole subject on the table,
Decided in the negative.

The question then recurring upon the substitute submitted by Mr. Groome,

Mr. Bradley submitted the following amendment :

“The rate of interest in this State shall not exceed six per cent. per annum, and the Legislature shall provide by law, all necessary forfeitures and penalties against usury ;”

Pending the consideration of which,

Mr. Page submitted the following amendment :

“Sec. — . In the absence of contract, the rate of interest shall be six per cent. per annum, but it shall be lawful to contract in writing for the payment of any rate of interest not exceeding ten per cent. per annum ;”

Pending the consideration of which,

Mr. Silver moved that the whole subject be indefinitely postponed,

Pending the consideration of which,

Mr. Page moved that the Convention do now adjourn ;

Decided in the negative.

Mr. Franck moved that the Convention adjourn until Monday morning at ten o'clock ;

Mr. Nelson moved that the Convention adjourn until Tuesday morning at ten o'clock ;

Decided in the negative.

The question then recurring upon the motion submitted by Mr. Franck,

Mr. Macubbin demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Franck,	Kilbourn.
Alvey,	Garey,	Merryman,
Austin,	George,	Riggs,
Brewer, B. city	Giddings,	Ritchie,
Buchanan,	Goldsborough, D.	Spates,
Dent,	Henderson,	Syester,
Ferry,	Hodson,	Vansant,
Flaherty,	Howison,	Watkins, Mon.
Ford,	Jamison,	Wilkinson.—26.

NEGATIVE.

Messrs.	Franklin,	Nelson,
Carmichael, Pt.,	Galt,	John Parran,
Archer,	Gill,	Perry,
Barry,	Hardcastle,	Pleasants,
Bell,	Hoblitzell,	Pole,
Bennett,	Hollyday,	Rennolds,
Bradley,	Hubbard,	Rider,
Brent,	Janvier,	Ringgold,
Brewer, of M'y.	Johnson,	Silver,
Brown,	Jones,	Starr,
Carter,	Lee,	Stoddert,
Chambers,	Mackubin,	Tarr, Caroline,
Cover,	Marbury,	Tarr, Wor.
Cunningham,	Maulsby,	Thomas,
Devries,	McCormick	Toadvine,
Dobbin,	McPherson,	Wallace,
Dorsey,	Mitchell,	Walsh,
Duvall,	Morris,	Watkins, of Car.
Emack,	Motter,	Wethered
Farnandis,	Murray,	Wickes.—59.

So the Convention refused to adjourn until Monday morning.

The question then recurring upon the motion submitted by Mr. Silver,

On motion of Mr. Nelson,

At 3 o'clock P. M. the Convention adjourned.

SATURDAY, June 15, 1867.

The Convention met.

Prayer by the Rev. Mr. Burke.

Present at the call of the roll the following members :

Messrs. Carmichael, (President,) Alvey, Archer, Austin, Bateman, Bell, Bennett, Bradley, Brent, Brewer, of Montogemry, Brown, Buchanan, Carter, Chambers, Cover, Covington, Cunningham, Dobbin, Duvall, Emack, Farnandis, Ferry, Ford, Franklin, Galt, Giddings, Gill, Goldsborough, of Dorchester, Hardcastle, Hoblitzell, Hodson, Hollyday, Howison, Hubbard, Jamison, Janvier, Johnson, Jones, Kilbourn, Lee, Mackubin, Marbury, Maulsby, McCormick, McMaster, McPherson, Merrick, Mitchell, Morris, Motter, Murray, Nelson, John Parran, Perry, Pole, Rennolds, Rider, Ringgold, Ritchie, Roman, Starr, Stoddert, Tarr, of Caroline, Tarr, of Worcester, Thomas, Toadvine, Wallace, Walsh, Watkins, of Caroline, Wethered, Wicks, Wilkinson
—72.

The proceedings of yesterday were read and approved.

The President laid before the Convention the following Report from the Clerk of the Circuit Court for Washington County :

REPORT.

*To the Honorable, the President and Members
of the Maryland State Constitutional Convention :*

In conformity with a resolution passed by your Honorable Body, I respectfully submit the following statement of receipts and expenditures of the office of the Clerk of the Circuit Court for Washington County, during the time I have held the same, showing the aggregate amount of revenue, the sources from whence it was derived, and the expenses of said office.

I am unable to make a statement covering the entire period embraced in your resolution, as my predecessor in office, so far as I can discover, has not left any record of the same.

Respectfully,

LEWIS B. NEYMAN, Clerk.

	Licenses.	Fees.	Tax on Com's.	Fines.	Total.
Amount of revenue received from June 5, 1865, to June 5, 1866.....	\$10,280 32	\$5,111 75	\$332 00	\$25 00	\$15,749 07
Amount of Revenue received from June 5, 1866, to June 5, 1867.....	10,175 18	5,936 94	56 00		16,168 12
	\$20,455 50	\$11,048 69	\$388 00	\$25 00	\$31,917 19

REPORT—(Continued.)

	Clerk's Salaries.	Stationery & Printi'g.	Fuel.	Postage.	Incidentals	Total.
Expenses incurred from June 5, 1865, to June 5, 1866,.....	\$4,250 00	\$249 06	\$30 87	\$5 73	\$34 62	\$4,570 28
Expenses incurred from June 5, 1866, to June 5, 1867,.....	4,250 00	149 25	38 79	28 29	43 36	4,509 69
	\$8,500 00	\$398 31	\$69 66	\$34 02	\$77 98	\$9,079 97

Which was read, and,

Referred to the Committee upon the Judiciary Department.

Also, the following Report of the Clerk and Treasurer of the Chesapeake and Ohio Canal Company :

OFFICE CHESAPEAKE AND OHIO CANAL CO.,

Washington, June, 13, 1867.

Hon. R. B. CARMICHAEL,

President of the Constitutional Convention, Annapolis :

SIR—I transmit herewith, in compliance with an order of the Constitutional Convention, of the 5th instant, a statement of the debts due by the Chesapeake and Ohio Canal Company, on the 1st day of June, instant ; also copies of the Annual Reports of the Company from 1848 to 1866, inclusive, except the report of 1857, of which we have but a single copy, in a bound volume.

The report made on the 3rd of June, instant, will be printed in the course of a few days, when copies of it will also be transmitted.

The statement has been delayed awaiting the accounts from the officers on the line of the canal for the month of May, so that it should be complete to the 1st of June.

The amount on deposit to the credit of the Company on the first of June, was \$27,957 64.

Very respectfully, yours,

W. S. RINGGOLD,

Clerk and Treasurer.

Statement of the debts of the Chesapeake and Ohio Canal Company created by the Act passed by the Legislature of the State of Maryland, at December session, 1844, chapter 281, for the completion of the Canal to Cumberland, the principle and interest on which will take precedence of the liens of the State of Maryland:

DATE.	STATEMENT.	AMOUNT.	TOTAL.
1858 to '61	1st. Outstand'g balances for repairs, &c.....	\$4,281 94	
1841 to '44	Certificates for repairs, &c., prior to 1845.	4,932 74	
1858 & '59	Certificates for tolls.....	592 70	\$ 9,807 38
1849 & '51	2d. Bonds for repairs of the Canal below Dam, No. 6, guaranteed by the State of Virginia, payable 1st July, 1869 with interest semi-annually.....	\$200,000 00	
	Interest due thereon to the 1st of Jan'y, 1867..	174,120 00	374,120 00
1848 to '51	3d. Bonds issued for the completion of the Canal to Cum'd, under the Act of 1844, chap. 281, payable 35 years after date.....	1,699 500	
	Bonds issued to Selden, Withers & Co., for coupons paid 140,000.....		
	Interest to 1st Jan., '67, \$126,000	266,000 00	

STATEMENT—(Continued.)

DATE.	STATEMENT.	AMOUNT.	TOTAL.
	Certificates for coupons on pref'd bonds \$142,545 00		
	Interest accrued to 1st of Oct'r, 1853, \$4,295 44		
	“ due to 1st Jan'y, 1867, \$85,646 66 ..	232,487 10	
	Coupons on preferred bonds outstanding due to 1st Jan'y, '67, inclusive	\$1,386,945 00	3,584,932 10
			<u>3,968,859 48</u>

Aggregate, principal and interest having precedence of the claims of the State of Maryland.

Debts of the Company which are deferred and postponed to the Mortgagee executed to the State of Maryland.

DATE.	STATEMENT.	AMOUNT.
1839 & 1841	Post notes or Scrip.....	\$372,599 00
1841 & 1843	Bonds issued in redemption of Post notes.....	5,758 00
1839 & 1841	Bonds issued to contractors or creditors.....	163,745 60
" " "	Acceptances to contractors or creditors	122,139 52
" " "	Certificates for Scrip, Bonds, &c. principal.....	187,216 55
" " "	Balances due to Contractors.....	86,881 18
		<hr/>
		\$938,339 85
	Interest due on these claims to May 31st, 1867, estimated at	1,367,138 71
		<hr/>
		\$2,305,478 56
	Also Certificates issued to the Creditors of Hunter, Harris & Co., under the resolution of the Board of the 1st of March 1855, not exceed in the aggregate, \$260,000, amount issued to the 31st May, 1867.....	91,048 99
	Also Certificates of debt issued to the Creditors of the Potomac Company, contingently provided for in the Act of 1844, Chapter 281... \$56,898 48	
	Interest accrued thereon to the 31st of May, 1867.....	92,554 11
		<hr/>
		149,452 59
		<hr/>
		\$2,545,980 14

The aggregate investments of the State of Maryland in the Chesapeake and Ohio Canal Company, classed under their respective heads.

FIRST CLASS—MORTGAGE DEBT.

Loan of the Company under the Act of 1834, Chapter 241, bearing interest at the rate of six per cent. per annum, secured by Mortgages executed under said Act and the Act of 1844, Chapter 281, Section 7.	\$2,000,000 00
Interest due and in arrear thereon to May 31st 1867.....	3,295,000 00
Interest in arrear on the Bonds issued by Maryland in payment of her preferred Stock which is secured by Mortgages executed under the Acts of 1838, Chapter 386 and 389, for the term of three years, ending 1st of July, 1842.....	663,611 94
Premium charged for converting paper into coin in payment of interest.....	9,975 00
	<hr/> \$5,968,586 94

SECOND CLASS—PREFERRED STOCK.

Subscription to Capital Stock under the Act of 1835, Chapter 395, on which six per cent dividends are guaranteed, from the 1st of July 1842, payable out of the nett revenues.....	\$3,000,000 00
Subscription under the Act of 1838, Chapter 396, upon which six per cent dividends payable out of the nett revenues, are in like manner guaranteed.....	1,375,000 00
Guaranteed dividends on said preferred stock in arrear to the 31st of May 1867, payable out of the nett profits of the Canal...	6,431,250 00
	<hr/> \$10,806,250 00

THIRD CLASS—COMMON STOCK.

Original subscription under the Act of 1827, Chapter 105.....	\$500,000 00
Subscription under the Act of 1833, Chapter 239	125,000 00
	<hr/> \$625,000 00

SUMMARY.

1st Class. Mortgaged debts and interest in arrear	\$5,968,586 94
2d " Preferred Stock and guaranteed dividends in arrear.....	10,806,250 00
3d " Common Stock.....	625,000 00
Aggregate on the 31st of May, 1867,....	\$17,399,836 94
In addition to the above the State of Maryland owns Stock in the Company which was subscribed under the Act of 1825, Chap. 180, Section 19, and paid in debts due the State by the Potomac Company...	\$43,280 00
Also subscribed under the same Act and paid for in Stock held by the State in the Potomac Company.....	120,444 44
	\$163,724, 43

By the 11th Section of the Charter of the Chesapeake and Ohio Canal Company no dividends are payable on this stock, until the dividends of all the Stock paid for in money exceed ten per cent.

* The mortgages or liens of the State of Maryland originally covered the lands, tenements, property, rights, &c., and the nett tolls and revenues of the Company. The Act of 1844, Chapter 281, waived and postponed the liens on the *revenues* that may accrue from the Canal and its works between Georgetown and Cumberland, so as to make the bonds authorized to be issued under the Act, and the interest to accrue thereon preferred liens on said *revenues* according to the provisions thereof. The mortgage executed by the Company to the State of Maryland under the 7th Section of the Act of 1844, is subject and secondary to "the lien and pledges made, created or authorized by the provisions of the Act."

Which was read, and,

On motion of Mr. Marbury,

Referred to the Committee upon Public Works and Corporations.

Also, a communication from the State Superintendent of Public Instruction, which,

On motion of Mr. Dobbin ;

Was ordered to be entered on the Journal.

Mr. Kilbourn moved that the communication be read ;

Decided in the affirmative.

Pending the reading thereof ;

Mr. Mitchell moved that the further reading be dispensed with ;

Decided in the negative.

The reading of the communication was then proceeded with ;

Pending which,

Mr. Tarr, of Worcester, moved that the vote by which the communication was ordered to be read, be reconsidered ;

Decided in the affirmative.

The question then recurring upon dispensing with the further reading of the communication ;

It was decided in the affirmative,

On motion of Mr. Johnson ;

The vote by which the communication was ordered to be entered on the Journal, was reconsidered.

On motion of Mr. Maulsby ;

The communication was laid on the table.

Mr. Brown presented the petition of M. I. Cohen and others, praying the Convention to make provision in the Constitution now being formed, for the election of Mayor and members of the first branch of the City Council of Baltimore, to be held on a day so soon after the adoption of the Constitution, by a vote of the people, as your Honorable body may deem best.

Also, the petition of W. H. Jilliard and others, on the same subject.

Mr. Brown presented the petition of A. J. Myers and others, upon the same subject.

Which were severally read, and referred to the Baltimore City delegation.

Mr. Rider presented the petition of Elijah T. Perdue, Noah Heim, and 427 others, praying the formation of a new county, all residing within the limits designated for the formation of said county.

Mr. Tarr, of Worcester, presented the petition of Alexander Toadvine, James A. Venable, Levin S. Melson, and 165

others, all of whom reside within the limits of the proposed new county, praying its formation.

Mr. Covington presented the petition of Theodore W. Williams, W. H. Rowley, and 135 other citizens of Worcester county, against the formation of a new county out of portions of Somerset and Worcester counties ;

Which were severally read, and,

Referred to the Committee upon a Proper Basis of Representation in the two Houses of the General Assembly, and a Proper Apportionment of Representatives in the same.

Mr. Wickes presented the following :

To the Honorable the Constitutional Convention :

Being anxious to visit my home for a few days, I respectfully ask your Honorable Body to grant me leave of absence from the services of the Convention for that purpose.

Very respectfully,

N. T. MEGINNISS,

June 14th, 1867.

Committee Clerk.

Which was read.

Mr. Wickes submitted the following order :

Ordered, That Mr. Meginnis, Committee Clerk, have leave of absence from the services of the Convention until Wednesday next ;

Which was adopted.

Mr. Bradley submitted the following order:

Ordered, That the Hall Keeper be requested to keep the State House open on the Sabbath, from 7 o'clock, A. M., until 9 o'clock, P. M. for the accommodation of the members of the Constitutional Convention ;

Which was adopted.

Mr. Carter submitted the following order:

Ordered, That a committee of five be appointed by the President, whose duty it shall be to take into consideration all those parts of the present Constitution of Maryland which have not been heretofore referred to any Standing Committee, and also report to the Convention the provision proper to be adopted by this committee for the purpose of submitting the Constitution to be framed by this Convention, to the people for adoption or rejection ;

Which was adopted.

The President appointed Messrs. Carter, Archer, Maulsby, Mitchell and Jones, committee, under the above order.

Mr. Wickes submitted the following order :

Ordered, That it be entered on the Journal, that Mr. Massey is absent from his seat in the Convention because of sickness in his family ;

Which was adopted.

On motion of Mr. Tarr, of Worcester,

Leave of absence was granted to Mr. Parker for one week from the sessions of the Convention.

Mr. Tarr, of Caroline, submitted the following from the Committee on Education :

STATEMENT A.

Showing the amount paid to Presidents, Commissioners and Treasurers of County School Board for the year 1866, as shown by the reports of the Clerk's of County Commissioners to the Constitutional Convention.

NAMES OF COUNTIES.	Amounts paid to Presidents of County School Boards.	Amounts paid to Com's of Schools in Counties.	Amount paid for Treasurer's Salaries.
Allegany County.....	\$5,000 levied to pay the Officers		*8,302.17.....
Anne Arundel County..	1,150 " "		
Baltimore County.....	1,200 " "	700.....	
Calvert County.....	700 " "	200.....	
Caroline County.....	800 " "	200.....	
Carroll County.....	950 " "	600.....	
Cecil County.....	1,900 " "	389 30.....	
Charles County.....	900 " "	300.....	
Dorchester County.....	1,000 " "	400.....	
Frederick County.....	1,200 " "	600.....	
Harford County.....	918, 74 " "	450 90.....	
Howard County.....	700 " "	200.....	
Kent County.....	800 " "	240.....	
Montgomery County....	950 " "	467 90.....	
Prince George's County	950 " "	300.....	
Queen Anne's County...	950 " "	300.....	
St. Mary's County.....	800 " "	315.....	

STATEMENT A.—(Continued.)

NAME OF COUNTIES.	Amounts paid to Presidents of County School Boards.	Amounts paid to Com's of Schools in Counties.	Amount paid for Treasurer's Salaries.
Somerset County.....	1,050	278 75.....	
Talbot County.....	950	300.....	
Washington County.....	1,200	576.....	
Worcester County.....	1,050	364 50.....	
	<u>\$25,118 74</u>	<u>\$7,382 35</u>	<u>*8,302 17</u>

*Taken from the first annual report of the State Superintendent of Public Instruction.

Which was read, and

On motion of Mr. Tarr,

Ordered to be entered on the Journal.

The Convention then resumed the consideration of the unfinished business of yesterday,

Being the report of the Committee to consider and report upon the Rates of Interest and the Usury Laws of the State ;

Said report being upon a second reading,

The question recurring upon the motion submitted by Mr. Silver to postpone the whole subject indefinitely ;

Mr. Ritchie moved to postpone the further consideration of the report until Wednesday next, 19th inst., and made the order of the day at 12 o'clock noon ;

Mr. Rider moved to re-commit the Reports together with pending amendments ;

Decided in the negative.

The question then recurring upon the motion submitted by Mr. Ritchie ;

It was sustained, and,

The further consideration of the Report was postponed, and made the order of the day for Wednesday next, 19th inst., at 12 o'clock, M.

The Convention then took up for consideration the report of the Committee upon the Elective Franchise and the qualification of voters ;

Pending the reading of the first Section ;

Mr. Alvey submitted the following amendment :

Strike out in line 2, the words "United States," and insert "State of Maryland;"

Pending the consideration of which,

Mr. Rennolds moved a call of the House.

Mr. Mitchell moved that the Convention do now adjourn ;

Decided in the negative.

The question then recurring upon the motion submitted by Mr. Rennolds ;

It was not sustained.

The question then recurring upon the amendment submitted by Mr. Alvey ;

The question being upon its adoption,

Mr. Alvey demanded the yeas and nays,
 The demand being sustained,
 The yeas and nays were called and appeared as follows:

AFFIRMATIVE.

Messrs.	Giddings,	Jamison,
Alvey,	Hodson,	Toadvine,—6
Brewer, of Mont.,		

NEGATIVE.

Messrs.	Galt,	Murray,
Carmichael, Pre't	Gill,	Nelson,
Archer,	Goldsborough, D.	Parran, John
Austin,	Hardcastle,	Perry,
Bateman,	Hoblitzell,	Pole,
Bell,	Hollyday,	Rennolds,
Bennett,	Hubbard,	Rider,
Bradley,	Janvier,	Ringgold,
Brent,	Johnson,	Roman,
Brown,	Jones,	Starr,
Buchanan,	Kilbourn,	Stoddert,
Carter,	Mackubin,	Tarr, of Caroline,
Chambers,	Marbury,	Tarr, Worcester,
Cover,	Maulsby,	Thomas,
Covington,	McCormick,	Wallace,
Cunningham,	McMaster,	Walsh,
Duval,	McPherson,	Watkins, of Car.
Emack,	Mitchell,	Wethered,
Farnandis,	Morris,	Wickes,
Ferry,	Motter,	Wilkinson,—60.
Franklin,		

So the amendment submitted by Mr. Alvey was rejected.

Mr. Rider moved that the Convention do now adjourn:

Decided in the negative.

The Convention proceeded to the consideration of the 2nd Section of the Report;

Mr. Maulsby submitted the following amendment:

Sec. 2. Strike out all after figure 2, of section 2, down to the word "and" inclusive in fourth line, and add at the end of said section the words "at any election held in this State;"

Pending the consideration of which;

On motion of Mr. Giddings;

At 2½ o'clock P. M., the Convention adjourned.

MONDAY, June 17, 1867.

The Convention met ;

Prayer by Rev. Mr. Leech.

Present at the call of the roll the following members :

Messrs. Carmichael, (President,) Alvey, Archer, Austin, Barry, Bell, Bennett, Bradley, Brent, Brewer, of Baltimore city, Brewer of Montgomery, Brown, Chambers, Cover, Covington Cunningham, Denson, Dobbin, Duvall, Emack, Farnandis, Ferry, Flaherty, Ford, Franck, Galt, Garey, George, Giddings, Groome, Hardcastle, Henderson, Hoblitzell, Hodson, Howison, Hubbard, Janvier, Jones, Kilbourn, McCormick, McKaig, McMaster, McPherson, Merrick, Merryman, Mitchell, Morris, Motter, Murray, Nelson, Nicolai, Parran, Charles S., Parran, John, Pole, Rennolds, Rider, Riggs, Ringgold, Ritchie, Starr, Stoddert, Tarr, of Caroline, Tarr, of Worcester, Thomas, Toadvine, Vansant, Watkins, of Montgomery, Wethered Wickes, Wilkinson, Whitman.—72.

The proceedings of Saturday were read and approved.

The President laid before the Convention the following report of the Clerk of the Circuit Court of Talbot county, in response to an order of the Convention :

EASTON, June 14th, 1867.

HON. R. B. CARMICHAEL,
President Constitutional Convention Md.

SIR:—In compliance with an order of your Honorable Body, I have the honor to submit the following

R E P O R T:

A statement showing the aggregate revenue of the office of Clerk of the Circuit Court of Talbot County for each year since 1860, with the amount received from each source, and the expenses of the said office for the above period:

Date.	Aggr'te. Revenue.	Acc't agst the C'ty	Civil Fees & rec'dng	Cash Received.	Aggreg'e Expenses.	Salars. of Clerks.	Amt. paid for Fuel Station'y &c.	Shiff's Com'ns. Merchants and non-residents.	Nett Receipts.
1861	\$3217 07	\$1,308 62	\$1,301 65	\$606 80	\$ 773 72	\$700 00	\$73 72	\$240 50	\$2,202 85
1862	3,536 64	1,398 53	1,347 46	790 65	780 70	700 00	80 70	356 89 estimated.	2,399 15
1863	3,353 24	1,275 10	1,363 44	714 70	633 21	500 00	133 21	300 00	2,420 03
1864	3,668 11	1,433 49	1,157 68	1,076 94	988 65	825 00	163 65	300 00	2,379 46
1865	3,870 18	1,732 28	1,179 95 estimated.	957 95	1,202 60	985 00	217 60	300 00	2,367 58
1866	4,040 57	1,874 34	1,100 00	1,066 23	1,242 16	1,060 00	182 16	300 00	2,498 41

Respectfully submitted,

SAM'L. S. HOPKINS, Clerk,
Circuit Court for Talbot County.

Also the following reports of the Clerk of the Superior Court of Baltimore City, in response to an order of the Convention :

A Statement made by Alford Mace, Clerk of the Superior Court of Baltimore city, in conformity with the requirements of an Order of the Constitutional Convention now sitting at Annapolis, bearing date May 15, 1867, showing the aggregate revenues from Fees and Emolument, and tax on 'Receivers' and Trustees' Commissions, and on Civil Commissions, received in said office from the 3rd day of December, 1863, (the day of entering upon the discharge of his duties as Clerk, aforesaid,) to the first Monday (third) of June, 1867; and also of the Expenses appertaining to said office, paid by him during said period, and of payments made to the State Comptrollers from time to time on account of said receipts.

RECEIPTS.	AMOUNT.	TOTAL.
From tax on Commissions of Trustees and Receivers from Dec. 3, 1863, to Feb. 29, 1864	\$143 41	
Less 5 per cent. commission.....	7 17	\$136 24
From tax on Civil Commissions from Dec. 3, 1863, to the first Monday in Dec., 1863.....	\$12 00	
Less 5 per cent. commission.....	60	11 40
From tax on Commissions of Trustees and Receivers from Feb. 29, 1864, to the first Monday in June, 1864...	\$8 00	
Less 5 per cent. commission.....	40	7 60
From tax on Civil Commissions from the first Monday in Dec., 1863, to the first Monday in June, 1864.....	\$2,290 00	
Less 5 per cent. commission.....	114 50	2,175 50
From Fees and Emoluments from Dec. 3, 1863, to the first Monday in June, 1864.....		12,910 75
From tax on Civil Commissions from the first Monday in June, 1864, to the first Monday in Dec., 1864,.....	\$4 00	
Less 5 per cent commission.....	20	3 80
From Fees and Emoluments from the first Monday in June, 1864, to the first Monday in Dec., 1864.		11,277 64
Tax on civil commissions from the first Monday in Dec. 1864 to first Monday in June, 1865.....	\$322 00	
Less 5 per cent. commission.....	16 10	305 90
Amount carried forward.....		\$26,828 83

STATEMENT—(Continued)

RECEIPTS.	AMOUNT.	TOTAL.
Amount brought forward.....		\$26,828 83
From Fees and Emoluments from the first Monday in Dec., 1864, to the first Monday in June, 1865.....		12,506 23
From tax on Civil Commissions from the first Monday in June, 1865, to the first Monday in Dec., 1865,.....	\$714 00	
Less 5 per cent. commission.....	35 70	678 30
From Fees and Emoluments from the first Monday in June, 1865, to the first Monday in Dec., 1865.....		15,198 51
From tax on Civil Commissions from the first Monday in Dec., 1865, to the first Monday in June, 1866.....	\$82 00	
Less 5 per cent. commission.....	4 10	77 90
From Fees and Emoluments from the first Monday in December, 1865, to the first Monday in June, 1866.....		16,016 61
From tax on Civil Commissions from the first Monday in June, 1866, to the first Monday in Dec., 1866.....	\$6 00	
Less 5 per cent.....	30	5 70
From Fees and Emoluments from the first Monday in June, 1866, to the first Monday in Dec., 1866.....		15,026 65
From tax on Civil Commissions from Monday in Dec., 1866 to the first Monday in June, 1867.....	\$2,278 00	
Less 5 per cent. commission.....	113 80	2,164 10
From Fees and Emoluments from the first Monday in Dec., 1866, to the first Monday in June, 1867.....		13,071 26
		106,574 09

Note:—In every instance where the charge of 5 per cent. commission occurs the amount is included in the amounts credited for Fees and Emolument.

STATEMENT—(Continued.)

PAYMENTS.	AMOUNT.	TOTAL.
1864.		
M'ch 10—Paid the Comptroller on acc't tax on trustees and receivers,.....		\$136 24
“ 15 “ on acc't. tax on civil commissions		11 40
Jan. 6 Paid on acc't. of tax on trustees and receivers		7 60
“ Paid on acc't. of tax on civil commissions.....		2,175 50
Paid from Dec. 3, 1863, to the first Monday in June, 1864.....		
Paid Chief Clerks and As- sistants.....	\$8,152 44	
Stationery.....	914 90	
Incidentals.....	72 86	9,140 20
Dec. 8. —Paid the Comptroller on acc't of tax on civil commissions		3 80
Paid from the first Monday in June, 1864, to the first Monday in Dec. 1864, Chi'f Cle'k and his Assistants.....	9,939 14	
Stationery	783 01	
Incidentals.....	79 87	10,802 02
1865		
June 13.—Paid the Comptroller on acc't of tax on civil commissions		305 90
Paid from the first Mon- day in Dec., 1864, to the first Monday in June, 1865, Chief Clerk and his As- sistants	11,168 80	
Stationery.....	934 10	
Incidentals	107 81	12,210 71
Amount carried forward.....		\$34,793 37

STATEMENT—(Continued.)

PAYMENTS.	AMOUNT.	TOTAL.
Amount brought forward.....	.....	\$34,793 37
H. H. Goldsborough Comptroller's Dept. favor of F. Gallag- her..... \$440 01 Also favor of G. W. Sher- wood's estate \$532 90	972 91	972 91
Dec. 12.—Paid the Comptroller on acc't. of tax on civil commissions		678 30
Paid from the first Mon- day in June, 1865, to the first Monday in Dec., 1865, Chief Clerk and his Assist- ants	11,132 95	
Stationery	1,128 83	
Incidentals	142 91	
Paid the Comptroller on accoutnt of fees and emoluments.....	1,513 91	14,018 60
1866.		
June 13.—Paid the Comptroller on acc't. of tax on civil commissions		77 90
Paid from the first Mon- day in Dec., 1865, to the first Monday in June, 1866, Chief Clerk and his Assist- ants.....	12,479 53	
Stationery.....	891 82	
Incidentals.....	212 24	13,583 59
Paid the Comptroller on acc't. of tax on civil commissions.....		5 70
Paid from the first Mon- day in June, 1866, to the first Monday in Dec., 1866, Chief		
Amount carried forward .....	.....	\$64,120 37

STATEMENT—(Continued.)

PAYMENTS.	AMOUNT.	TOTAL.
Amount brought forward,.....		\$64,130 37
Clerk and his Assistants	13,185 89	64,130 37
Stationery	979 41	
1866.		
June 13,—Paid for Lillie's safe.....	140 00	
Incidentals.....	230 46	
The Comptroller on account of fees and emoluments	1,897 14	16,432 90
1867.		
June 11,—Paid the Comptroller on acc't. of tax on civil commissions.....		2,164 10
Paid from the first Monday in Dec., 1866, to the first Monday in June, 1867, Chief Clerk and his Assistants	13,320 35	
Stationery,.....	1,098 29	
Incidental and for over-work.....	403 50	14 822 14
		\$97,549 51
Receipts		\$106,674 09
Payments to State Comptroller's and for expenses of office.....		97,549 51
Balance first Monday in June, 1867.....		9,024 58
Consisting of am't. retained for unfinished work yet to be done as per statement rendered the Comptroller to the 1st Monday in June, 1867.....	\$6,662 10	

STATEMENT—(Continued.)

RECEIPTS.	AMOUNT.	TOTAL.
Brought forward.....	\$6,662 10	
Cash balance to be carried forward into next Statement to the Comptroller.....	\$2,362 46	.....
Error in bringing forward balance of \$1,583 66, from June account, 1866, into Dec. account, 1866, as \$1,583 64.....	02	.....
Total.....	\$9,024 58	

ALFORD MACE, Clerk

of the Superior Court of Baltimore City.

Baltimore June 15, 1867.

Which were severally read and referred to the Committee upon the Judiciary Department.

Mr. Howison submitted the following order :

Ordered, That the use of the Hall be allowed to Professor Corson on Wednesday and Friday evenings, the 19th and 21st instant, for the purpose of giving Readings from distinguished authors ;

Which was adopted:

Mr. Giddings, Chairman of the Committee on Department of Labor and Agriculture, submitted the following report with accompanying papers :

REPORT :

Report of the Committee upon Department of Labor and Agriculture.

The Committee appointed to consider the propriety and expediency of organizing a Department of Labor and Agriculture, beg leave to submit the following report, and recommend its insertion in the Constitution under the article of Sundry Officers :

SECTION —. There shall be a Superintendent of Labor and Agriculture elected by the qualified voters of this State at the first general election for Delegates to the General Assembly, after the adoption of this Constitution, who shall hold his office for the term of _____ years, and until the election and qualification of his successor.

SEC. —. His qualifications shall be the same as those prescribed for the Comptroller ; he shall qualify and enter upon the duties of his office on the second Monday of January next succeeding the time of his election, and a vacancy in the office shall be filled by the Governor for the residue of the term.

SEC. —. He shall keep his office at the seat of government and receive a salary of _____ dollars per annum, and may employ a clerk who shall receive a salary of _____ dollars per annum, payable quarterly.

SEC. —. He shall perform such of the duties now devolved by law upon the Commissioner of Immigration, and the Immigration Agent as will promote the object for which those officers were appointed ; and after his election and qualification the offices before mentioned shall cease to exist ; and the Superintendent of Labor and Agriculture shall devise and execute such further plans for effectually securing the immigration to Maryland of industrious and useful settlers as may seem expedient or be prescribed by the General Assembly.

SEC. —. He shall supervise all the State Inspectors of agricultural products and fertilizers, and from time to time, shall carefully examine and audit their accounts and prescribe regulations not inconsistent with law, tending to secure economy and efficiency in the business of their offices ; he shall have the supervision of the Tobacco Warehouses and all other buildings used for inspection and storage purposes by the State, and may at the discretion of the Legislature, have the supervision of all public buildings now belonging to, or which may hereafter be erected by the State ; he shall frequently inspect such buildings as are committed to his charge and examine all accounts for labor and materials required for their construction and repairs.

SEC. —. He shall extend to, and invite from the National Department of Agriculture such co-operation as may best promote the welfare of the people of the State, and he shall perform all such other duties as may be assigned to him by the General Assembly for the benefit of the industrial interests of Maryland, and for the discharge of such duties not hereinbefore specified, he may receive such compensation as may be allowed by law.

SEC. —. He shall make detailed reports to every General Assembly within the first week of its session, in reference to each of the subjects committed to his charge, and he shall also report to the Governor in the recess of the Legislature all abuses or irregularities which he may find to exist.

SEC. —. The office hereby established, shall continue for eight years from the date of the qualification of the first incumbent thereof, after which it may be continued or abolished by the General Assembly.

The report was read a first time.

Mr. Brent moved that two thousand copies of the accompanying papers be printed for the use of the Convention ;

Mr. McMaster moved to strike out the word "two," and insert the word "one ;"

Pending the consideration of which,

Mr. Bell demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

Messrs.	Henderson,	Merrick,
Alvey,	Ferry,,	Morris,
Bell,	Franck,	Murray,
Bennett,	Galt,	Perry,
Brewer, of Mont.,	Garey.	Riggs,
Brown,	Groome,	Ritchie,
Chambers,	Hardcastle,	Tarr, of Caroline,
Cover,	Hoblitzell,	Tarr, of Wor.,
Covington,	Jones,	Toadvine,
Cunningham,	McCormick,	Vansant,
Emack,	McMaster	Watkins, M.—32.

NEGATIVE.

Messrs.	George,	Parran, John
Carmichael, P't	Hodson,	Peters,
Archer,	Howison,	Pole,
Austin,	Hubbard,	Rennolds,
Barry,	Janvier,	Ringgold
Bradley,	Kilbourn,	Starr,
Brent,	McPherson,	Stoddert,
Denson,	Merryman,	Thomas,
Dobbin,	Mitchell,	Wethered,
Duvall,	Motter,	Wickes,
Farnandis,	Nelson,	Wilkinson,
Flaherty,	Nicolai,	Whitman—37.
Ford,	Parran, C. S.,	

So the motion to strike out "two," and insert "one," did not prevail.

The question then recurring upon the motion submitted by Mr. Brent,

It was sustained, and

Two thousand copies of the accompanying papers ordered to be printed for the use of the Convention.

(SEE DOCUMENT C.)

Mr. Giddings also reported back the order requesting the Committee to take into consideration the subject of public roads with a view of practicability to provide for the improvements thereof under a uniform system throughout the State; when,

On motion of Mr. Giddings,

The Committee were discharged from the further consideration thereof.

The Convention then resumed the consideration of the unfinished business of Saturday, being the Report of the Committee upon the Elective Franchise and the Qualification of voters;

Said Report being upon its second reading;

The question recurring upon the amendment submitted by Mr. Maulsby to the 2d Section thereof;

Mr. Peters submitted the following amendment:

Insert after the word "Governor" in 2d line the following: "or enfranchised by an Act of the Legislature;"

Which was rejected.

The question then recurring upon the amendment submitted by Mr. Maulsby;

The question being upon its adoption;

Mr. Wickes demanded the yeas and nays;

The demand being sustained,

The yeas and nays were called and appeared as follows:

AFFIRMATIVE.

Messrs.	Hubbard,	Parran, John,
Bradley,	McCormick.	Rennolds,
Brown,	Merrick,	Ritchie,
Chambers,	Mitchell,	Tarr, of Caroline.
Cover,	Morris,	Toadvine,
Covington,	Nelson,	Vansant,—19
Galt,	Parran, C. S.	

NEGATIVE.

Messrs.	Ferry,	Merryman,
Carmichael, Prst.	Flaherty,	Murray,
Alvey,	Ford,	Nicolai,
Archer,	Franck,	Perry,,
Austin,	Garey,	Peters,
Barry,	George,	Pole,
Bell,	Giddings,	Riggs,
Bennett,	Groome,	Ringgold.
Brent,	Henderson,	Starr,
Brewer, Bal. city.	Hoblitzell,	Stoddert,
Brewer, of Mot'y,	Hodson,	Tarr, of Worc'r,
Cunningham,	Howison,	Thomas,
Denson,	Janvier,	Watkins, of Mo'y
Dobbin,	Jones,	Wethered,
Duvall,	Kilbourn,	Wickes,
Epack,	McMaster,	Whitman—48.
Farnandis,		

So the amendment was rejected.

Mr. Groome submitted the following amendment :

Sec. 2. line one, strike out the words "above the age of twenty-one years," and insert after the word "crime" in 2d line, the words "committed after he shall have arrived at the age of twenty-one years;"

Which was rejected.

Mr. Alvey submitted the following amendment :

Sec. 2. Strike out all after the word "*mentis*" in the 5th line, to the word "shall" in the 6th line ;

Which was adopted.

The Section as amended was then read.

The Convention then proceeded to the consideration of the 3d Section ;

Pending which,

Mr. Jones submitted the following amendment :

Sec. 3. Strike out all after the word "directly" in 2d line, to the word "any" in 3d line ;

Mr. Tarr, of Caroline submitted the following amendment :

Strike out Section 3d and insert in lieu thereof the following :

"The General Assembly shall impose fines and penalties for bribery, corruption or interference with elections."

Pending the consideration of which ;

Mr. Wickes moved a call of the House ;

Which was sustained ;

On the call of the roll the following members responded to their names :

Messrs. Carmichael, (President,) Alvey, Archer, Austin, Barry, Bell, Bennett, Bradley, Brewer, of Baltimore city, Brewer, of Montgomery, Brown, Chambers, Cover, Covington Denson, Dobbin, Duvall, Emack, Farnandis, Ferry, Ford, Franck, Galt, Garey, Groome, Henderson Hoblitzell, Hodson, Howison, Hubbard, Janvier, Jones, Kilbourn, McCormick, McKaig, McMaster, Merrick, Mitchell, Morris, Murray, Charles S. Parran, John Parran, Perry, Peters, Pole, Rennolds, Riggs, Ringold, Ritchie, Starr, Stoddert, Tarr, of Caroline, Tarr, of Worcester, Thomas, Toadvine, Wethered, Wickes, Whitman—56.

Upon the call of the roll, no quorum being present,

On motion of Mr. Barry,

The Sergeant-at-Arms was ordered to notify the absent members now in the city, to give their attendance, and to bring them before the bar of the House.

After an absence of fifteen minutes, the Sergeant-at-Arms returned and reported that he had notified all the absent members now in the city, and had brought them before the bar of the House.

On motion of Mr. Stoddert,

The members reported by the Sergeant-at-Arms, were excused.

On motion of Mr. Tarr, of Caroline,

All further proceedings under the call were dispensed with.

The question then recurring upon the amendment submitted by Mr. Tarr, of Caroline ;

On motion of Mr. Frank,

At 2 o'clock and 50 minutes the Convention adjourned.

TUESDAY, June 18, 1867.

The Convention met.

Prayer by the Rev. Mr. Leech.

Present at the call of the roll the following members :

Messrs. Carmichael, (President,) Alvey, Archer, Austin, Barnes, Barry, Bateman, Bell, Bennett, Bradley, Brent, Brewer, of Baltimore city, Brewer, of Montgomery, Brooke, Brown, Buchanan, Carter, Chambers, Cosgrove, Cover, Covington, Cunningham, Denson, Dent, Devries, Dobbin, Dorsey, Duvall, Farnandis, Ferry, Finley, Flaherty, Ford, Franck, Franklin, Galt, George, Giddings, Gill, Goldsborough, of Talbot, Groome, Hammond, Hardcastle, Hayden, Henderson, Hoblitzell, Hodson, Hollyday, Horsey, of Somerset, Howard, Howison, Hubbard, Ireland, Jamison, Janvier, Johnson, Jones, Kennedy, Kilbourn, Longwell, Manro, Massey, Maulsby, McCormick, McKaig, McPherson, Merrick, Merryman, Mitchell, Morris, Motter, Murray, Nelson, C. S. Parran, John Parran, Perry, Peters, Pole, Rennolds, Rider, Riggs, Ringgold, Ritchie, Roman, Silver, Starr, Tarr, of Caroline, Tarr, of Worcester, Thomas, Toadvine, Vansant, Wallace, Walsh, Watkins, of Montgomery, Wethered, Wickes, Wilkinson.—97.

The proceedings of yesterday were read and approved.

The President laid before the Convention the following Report from the Clerk to Circuit Court, of Somerset county :

REPORT:

OFFICE OF THE CLERK OF THE CIRCUIT COURT FOR

SOMERSET COUNTY,

*Princess Anne, June 13, 1867.**To the Hon. Richard B. Carmichael,**President of the State Constitutional Convention, Md :*

In obedience to the order of the Convention dated 15th of May 1867, (a copy of which was not received by me until 1st of June 1867,) I have the honor to furnish the Convention a statement of the income of my office for the years since 1860, together with the expenses of the office for six years.

Respectfully submitted,

LEVIN WOOLFORD,

Clerk to the Circuit Court of Somerset County.

DATE OF EXPENSES.	AMOUNT.	TOTAL.
1861		
Income from commissions on revenue of the State.....	\$ 209 70	
Income from Fees.....	2,971 26	\$3,170 96
Expenses of Clerk's office for 1861.....		1,108 60
1862		\$2,062 36
Income from commissions on revenue of the State.....	214 80	2,757 17
Income from Fees.....	2,543 37	1,103 55
Expenses of Clerk's office for 1862.....		\$1,653 62
1863		
Income from commissions on revenue of the State.....	249 54	
Income from Fees.....	2,728 91	2,977 45
Expenses of office for 1863.....		1,115 25
1864		\$1,862 20
Income from commissions on revenue of the State.....	264 14	
Income from Fees.....	2,720 15	2,984 29
Expenses of Clerk's office for 1864.....		1,153 00
		\$1,831 29

DATE OF EXPENSES.	AMOUNT.	TOTAL.
1865		
Income from commissions on revenue of the State.....	\$ 430 72	
Income from Fees, (not yet collected) estimated at.....	3,495 70	\$3,926 42
Expenses of Clerk's office for 1865, including extra clerk for the whole year		1,635 00
1866.		\$2,291 42
Income from commissions on revenue of the State.....	400 18	
Income from Fees not yet collected estimated.....	3,270 35	3,670 53
Expenses of office for 1866.....		1,295 00
Total.....		\$2,371 53

Which was read and referred to the Committee upon the Judiciary Department.

Mr. Mitchell submitted the following order :

Ordered, That it be entered on the journal that the Hon. John T. Stoddert, a delegate from Charles County, is detained from his seat in this Convention by reason of indisposition ;

Which was adopted.

Mr. Howison submitted the following order :

Ordered, That it be entered on the journal that Mr. Hall, of Anne Arundel, is detained from his seat by sickness ;

Which was adopted.

Mr. Bradley submitted the following order :

Ordered, That when the Convention adjourns on Friday next, the 21st instant, it stands adjourned until Tuesday, the 9th day of July, at noon, to enable the members of the Convention who are farmers, to attend to their harvest, and the pay of members and officers of the Convention cease during the recess.

Mr. Thomas submitted the following order as a substitute

Ordered, That when the Convention adjourns on Thursday, the 27th instant, it stands adjourned until Tuesday,

the 16th day of July, 12 o'clock, M., to enable the members of the Convention who are farmers, to attend to their harvest, and the pay of members and officers of the Convention cease during the recess.

Mr. Mitchell submitted the following order as a substitute :

Ordered, That when this Convention adjourns on Friday next, the 21st instant, it adjourns to meet on Tuesday, the 16th of July next ;

Pending the consideration of which,

The hour having arrived for taking up the order of the day, being the unfinished business of yesterday ;

Mr. Ritchie moved to postpone the further consideration of the order of the day until the subject under consideration be disposed of ;

Which was decided in the negative.

The Convention then resumed the consideration of the Order of the Day,

Being the Report of the Committee upon the Elective Franchise and the Qualification of Voters ;

The question recurring upon the amendment submitted by Mr. Tarr, of Caroline as a substitute for section 3 ;

It was rejected.

The question then recurring upon the amendment submitted by Mr. Jones, viz :

Section 3, strike out all after the word "indirectly," in second line, to the word "any," in third line ;

It was adopted.

The third section as amended, was then read.

The fourth section was then read.

Pending the consideration of the fifth section ;

Mr. Maulsby submitted the following amendment :

After the word "voters," 2nd line, 5th section, insert the words "residing in the city of Baltimore and Baltimore county ;"

Which was rejected.

Mr. Jones submitted the following amendment :

Section 5, line 6, insert the word "or" between the words "Federal" and "State," and strike out in line 6, the words

“municipal,” and insert in line 7, after the word “State,” the words “or at any municipal Election in the city of Baltimore;”

Which was adopted.

The question then recurring upon the amendment submitted by Mr. Maulsby;

Mr. Walsh submitted the following amendment :

“ The general Assembly may provide by law for the registration of the names of the voters in all or any of the counties of the State and in the city of Baltimore, who possess the qualifications prescribed in this article, which registration shall be conclusive evidence of the right of every person thus registered to vote at any Election hereafter held in this State; and no person shall vote in the city of Baltimore at any Election, Federal, State or Municipal, hereafter to be held unless his name appears in the list of registered voters, and until the General Assembly shall pass an Act for the registration of the voters as the law in force on the 1st day of June, 1867, shall be continued in force in the city of Baltimore, except so far as it may be inconsistent with the provisions of this Constitution;”

Which was rejected.

Mr. Carter submitted the following amendment :

Sec. 5. The General Assembly shall have power to provide for the City of Baltimore and for all or any of the counties of this State, a system for the Registration of all the persons resident in said City or Counties, who, under the provisions of this Constitution are qualified voters therein, which Registration shall be conclusive evidence of the right of every person thus Registered, to vote at any election thereafter held in this State; and no person shall vote at any election, Federal or State, or at any Municipal election, in the city of Baltimore, thereafter to be held in the City or Counties in which such system of Registration has been adopted, unless his name appears in the list of Registered voters, and the law in force on the first of June, 1867, in reference to Registration shall be continued in force, so far as the City of Baltimore and the Counties are concerned, except so far as it may be inconsistent with the provisions of this Constitution, subject nevertheless to the revision of, and amendment or repeal by the Legislature of the State.

Which was rejected.

The question then recurring upon the amendment submitted by Mr. Maulsby;

Mr. Mitchell demanded the yeas and nays ;

Which was not sustained.

The amendment submitted by Mr. Maulsby ;

Was then rejected.

Mr. Mitchell submitted the following amendment :

Strike out the entire Section ;

Which was rejected.

Mr. Ritchie moved that the Convention do now adjourn ;

Decided in the negative.

The 5th Section, as amended was then read ;

The 6th Section was then read.

The Convention then proceeded to the consideration of the
7th Section ;

Pending which,

Mr. Maulsby submitted the following amendment :

Sec. 7. Strike out the words "or neglect" in 2d line ;

Mr. Bradley submitted the following amendment :

Section 7, line 3, after the word "article," insert "within
30 days after receiving his commission."

Pending the consideration of which,

On motion of Mitchell ;

At 3 o'clock and ten minutes the Convention adjourned.

WEDNESDAY, June 19, 1867.

The Convention met.

Prayer by Rev. Mr. Leech.

Present at the call of the roll the following members :

Messrs. Carmichael, President, Alvey, Archer, Austin, Barry, Bateman, Bell, Bennett, Bradley, Brent, Brewer, of Baltimore City, Brewer, of Montgomery, Brooke, Brown, Buchanan, Carter, Chambers, Cosgrove, Cover, Covington, Cunningham, Denson, Dent, Devries, Dobbin, Dorsey, Duvall, Emack, Evans, Fernandis, Ferry, Finley, Flaherty, Ford, Franck, Franklin, Galt, Garey, George, Giddings, Gill, Goldsborough of Talbot, Groome, Hammond, Hardcastle, Hayden, Henderson, Hoblitzell, Hodson, Hallyday, Horsey, of Somerset, Howard, Howison, Hubbard, Ireland, Jamison, Janvier, Johnson, Jones, Kennedy, Kilbourn, Lee, Longwell, Mackubin, Manro, Massey, Maulsby, McCormick, McKaig, McMaster, McPherson, Merrick, Merryman, Mitchell, Morris, Motter, Murray, Nelson, Nicolai, Charles S. Parran, John Parran, Perry, Peters, Pleasants, Pole, Rennolds, Rider, Riggs, Ringgold, Ritchie, Rogers, Roman, Silver, Spates, Starr, Tarr, of Caroline, Tarr, of Worcester, Thomas, Toadvine, Vansant, Wallace, Walsh, Wethered, Wickes, Whitman—103.

The proceedings of yesterday were read and approved.

The President laid before the House the following Report of the Clerk of the Court of Appeals :

Statements made by the Clerk of the Court of Appeals of Maryland, at the request of the Constitutional Convention in session.

The first statement shows the number of cases tried in the Court of Appeals each year from 1840 to 1866, giving those affirmed,—those reversed, and the aggregate taxed costs of said cases in each of said years:

IN 1841.

Cases tried.....	71
Affirmed	29
Reversed	42
Costs in said cases.....	\$7,839

IN 1842.

Cases tried.....	45
Affirmed.....	20
Reversed.....	25
Costs in said cases.....	\$5,104

IN 1843.

Cases tried.....	63
Affirmed.....	27
Reversed.....	36
Costs in said cases.....	\$6,967

IN 1844.

Cases tried.....	69
Affirmed.....	36
Reversed.....	33
Costs in said cases.....	\$7,581

IN 1845.

Cases tried.....	75
Affirmed.....	36
Reversed.....	39
Costs in said cases.....	\$8,245

IN 1846.

Cases tried.....	83
Affirmed.....	35
Reversed.....	48
Costs in said cases.....	\$9,174

IN 1847.

Cases tried.....	72
Affirmed.....	34
Reversed.....	38
Costs in said cases.....	\$7,932

IN 1848.

Cases tried.....	61
Affirmed.....	40
Reversed.....	21
Costs in said cases.....	\$6,693

IN 1849.

Cases tried.....	88
Affirmed.....	54
Reversed.....	34
Costs in said cases.....	\$9,681

IN 1850.

Cases tried.....	68
Affirmed.....	37
Reversed.....	31
Costs in said cases.....	\$7,512

IN 1851.

Cases tried.....	60
Affirmed.....	26
Reversed.....	34
Costs in said cases.....	\$6,833

IN 1852.

Cases tried	86
Affirmed	48
Reversed	38
Costs in said cases.....	\$9,771

1853.

Cases tried.....	103
Affirmed	50
Reversed	53
Costs in said cases.....	\$12,472

IN 1854.

Cases tried.....	115
Affirmed	65
Reversed.....	50
Costs in said cases.....	\$14,163

IN 1855.

Cases tried.....	82
Affirmed	45
Reversed	37
Cost in said cases.....	\$10,168

IN 1866.

Cases tried.....	96
Affirmed	43
Reversed	53
Costs in said cases.....	\$11,704

1857.

Cases tried....	86
Affirmed.....	55
Reversed	31
Costs in said cases.....	\$10,563

IN 1858.

Cases tried.....	87
Affirmed	34
Reversed.....	50
Costs in said cases.....	\$10,690

IN 1859.

Cases tried.....	106
Affirmed	56
Reversed	50
Costs in said cases.....	\$13,344

IN 1860.

Cases tried.....	98
Affirmed	50
Reversed	48
Costs in said cases	\$12,251

IN 1861.

Cases tried.....	60
Affirmed.....	23
Reversed.....	37
Costs in said cases.....	\$7,331

IN 1862.

Cases tried.....	98
Affirmed.....	50
Reversed.....	48
Costs in said cases.....	\$12,172

IN 1863.

Cases tried.....	94
Affirmed.....	59
Reversed.....	35
Costs in said cases.....	\$10,656

IN 1864.

Cases tried.....	43
Affirmed.....	24
Reversed.....	19
Costs in said cases.....	\$5,332

IN 1865.

Cases tried.....	114
Affirmed.....	72
Reversed.....	42
Costs in said cases.....	\$14,136

The second statement, shows the receipts and expenses of this office from the 25th of March, 1863, the date of the present Clerk's appointment, to the 1st of April, 1867.

RECEIPTS.	AMOUNT.
From 25th March, 1863 to 1st April, 1864.....	\$ 6,553 91
“ 1st April, 1864 to 1st April, 1865.....	8,274 71
“ 1st April, 1865 to 1st April, 1866.....	10,290 79
“ 1st April, 1866 to 1st April, 1867.....	11,512 40
Total.....	\$36,631 81

EXPENSES.	AMOUNT.	TOTAL.
From 25th March, 1863 to 1st April 1864.....	\$6,081 95	
From 1st April, 1864 to 1st April 1865.....	5,745 36	
From 1st April, 1865 to 1st April 1866.....	7,372 13	
From 1st April, 1866 to 1st April 1867.....	8,521 14	
Total.....	\$27,720 58	27,720 58
Amount received by Clerk of this Court after paying expenses from 25th March, 1863 to 1st April 1867.....		\$8,911 24

The revenues of this office arise from fees alone. The expenses above specified include compensation to assistant clerks, amounts paid as commissions to collector, amounts paid for printing, for record books, for stationary, for postage, &c., &c. The present Clerk has no knowledge of the receipts and expenses of the office from 1860 to the 25th of March, 1863, and therefore cannot make that part of the statement asked for by the Convention.

The third statement shows the number and names of the State cases argued in the Court of Appeals by the Attorney General since his installation in office :

William Isaacs vs. State of Maryland	}	Argued April term, 1865.
Amos B. Scolly vs. State of Maryland.	}	Argued April term, 1865.
Charles D. Hiss vs. State of Maryland.	}	Argued April term, 1865.
Thomas Anderson and others, vs. John W. Baker and others, Registers in Mont- gomery county.	}	Argued October term, 1865.
Hardesty and others vs. Taft and others Regis- ters in Prince George's county.	}	Argued October term, 1865.
Samuel D. Brady vs. State of Maryland.	}	Argued October term, 1866.
Thomas Picking vs. State of Maryland.	}	Argued October term, 1866.
Jonathan Spielman vs. State of Maryland.	}	Argued in part April term, 1867.
John Clare vs. State of Maryland.	}	Argued by Attor'y Gen'l on notes.
Grayson Eichelberger Bounty Commissioner vs. John Sifford and Henry Lorentz.	}	Argued April term, 1867.
All of which is respectfully submitted,		

GEORGE EARLE,

Clerk of the Court of Appeals of Maryland.

Which was read,

And referred to the Committee on the Judiciary Department.

Mr. Ritchie presented the petition of Alfred D. Miller, and others, relative to the municipal affairs of Baltimore;

Which was read,

And referred to the Baltimore City Delegation.

Mr. Dobbin submitted the following order :

Ordered, that Messrs. Merrick, Archer and Wickes, being a sub-Committee of the Committee on the Judiciary, have leave to sit during the meeting of the Convention, to perform certain duties entrusted to them by that Committee;

Which was adopted.

Mr. Thomas submitted the following order :

Ordered, that no member of the Convention shall speak more than fifteen minutes, nor more than once on any question, and if any member shall exceed fifteen minutes, he shall be called to order by the President, and shall not be allowed to proceed further without unanimous consent;

Which was adopted.

Mr. Buchanan submitted the following order :

Ordered, that it be entered on the Journal, that Mr. Starr is detained from his seat by sickness;

Which was adopted.

Mr. Alvey, Chairman of the Committee upon a Proper basis of Representation, and in the two Houses of the General Assembly, and a Proper Apportionment of Representatives in the same, submitted the following

REPORT :

Of the Committee upon a Proper Basis of Representation in the two Houses of the General Assembly, and a Proper Apportionment of Representatives in the same.

SECTION —. There shall be elected from each of the counties and from each of the three Legislative Districts of the City of Baltimore as they now exist or as they may be hereafter defined; one Senator.

SEC. —. That until the taking and publishing the next National Census, or until the enumeration of the population of this State, under the authority thereof, the several counties, and the city of Baltimore, shall have representation in the House of Delegates as follows: Allegany county, five Delegates; Anne Arundel county, three Delegates; Baltimore county, six Delegates; each of the three Legislative Districts of the city of Baltimore, six Delegates; Calvert county, two Delegates; Caroline county, two Delegates; Carroll county, four Delegates; Cecil county, four Delegates; Charles county, two Delegates; Dorchester county, three Delegates; Freder-

ick county, six Delegates; Harford county, four Delegates; Howard county, two Delegates, Kent county, two Delegates; Montgomery county, three Delegates; Prince George's county, three Delegates; Queen Anne's county, two Delegates; Saint Mary's county, two Delegates; Somerset county, three Delegates; Talbot county, two Delegates; Washington county, five Delegates and Worcester county, three Delegates.

SEC. —. That as soon as may be, after the taking and publishing the next National Census, or after the enumeration of the population of this State, under the authority thereof, there shall be an apportionment of representation in the House of Delegates, to be made on the following basis, to wit: Each of the several counties of the State having a population of eighteen thousand souls, or less, shall be entitled to two Delegates; and every county having a population of over eighteen thousand and less than twenty-eight thousand souls, shall be entitled to three Delegates; and every county having a population of twenty-eight thousand and less than forty thousand souls, shall be entitled to four Delegates; and every county having a population of forty thousand and less than fifty-five thousand souls, shall be entitled to five Delegates; and every county having a population of fifty-five thousand, and less than seventy-five thousand souls, shall be entitled to six Delegates; and every county having a population of seventy-five thousand souls and upwards, shall be entitled to seven Delegates, and no more; and each of the three Legislative Districts of the city of Baltimore, shall be entitled to the number of Delegates to which the largest county shall or may be entitled under the foregoing appointment. And the General Assembly shall have power to provide by law, from time to time, for altering and changing the boundaries of the three existing Legislative Districts of the city of Baltimore, so as to make them as near as may be, of equal population, but said Districts shall always consist of contiguous territory.

SEC. —. That immediately after the taking and publishing the next National Census, or after any State enumeration of population as aforesaid, it shall be the duty of the Governor, then being, to arrange the representation in said House of Delegates, in accordance with the apportionment herein provided for, and to declare by proclamation, the number of Delegates to which each county and the city of Baltimore may be entitled under such apportionment; and after every National Census taken thereafter, or after any State enumeration of population thereafter made, it shall be the duty of the Governor, for the time being to make no similar adjustment of representation, and to declare the same by proclamation as aforesaid.

Which was read a first time.

Mr. Alvey also reported back sundry petitions in reference to the formation of a new county out of portions of Somerset and Worcester counties;

When on motion of Mr. Alvey,

The Committee was discharged from the further consideration thereof.

Mr. Alvey also made the following Report :

The Committee recommend that said Petitions and Memorials be referred to a select Committee of nine, to consist of two members from each of the counties of Worcester and Somerset, and five from other parts of the State;

Mr. Jones moved as a substitute for the recommendation of the Committee that said Petitions and Memorials be referred to the respective delegations from the counties of Somerset and Worcester;

Decided in the Negative.

Mr. Hammond, (by unanimous consent,) submitted the following order as a substitute :

Ordered, that the Committee consist of 11,— 2 from Somerset, 2 from Worcester, and 2 from the county proposed to be formed, and 5 from the State at large;

Pending the consideration of which,

The question recurring upon its adoption,

Mr. Jones demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called and appeared as follow :

AFFIRMATIVE.

Messrs.		
Austin,	Garey,	Nelson,
Bateman,	George,	Parran, C. S.,
Bradley,	Groome,	Parran, J.,
Brent,	Hammond,	Peters,
Brewer, B. city,	Hardcastle,	Pole,
Brewer, of M'y,	Hoblitzell,	Rennolds,
Brooke,	Hodson,	Rider,
Cosgrove,	Hollyday,	Riggs,
Cover,	Howard,	Ringgold,
Denson,	Hubbard,	Rogers,
Devries,	Ireland,	Roman,
Dorsey,	Jamison,	Silver,
Duvall,	Janvier,	Spates,
Emack,	Johnson,	Tarr, of Caroline,
Evans,	Manro,	Tarr, of Wor.,
	Massey,	Thomas,

Farnandis,
Ferry,
Finley,
Flaherty,
Franck,
Galt,

Maulsby,
McPherson,
Merryman,
Mitchell,
Morris,
Murray,

Toadvine,
Vansant,
Wallace,
Walsh,
Wethered,
Whitman—65%.

NEGATIVE.

Messrs.
Carmichael, Pt.,
Alvey,
Bell,
Bennett,
Brown,
Carter,
Chambers,
Covington,
Cunningham,
Dent,
Dobbin,

Ford,
Franklin,
Giddings,
Gill,
Goldsborough, T.
Hayden,
Henderson,
Horsey, of S'mt,
Howison,
Jones,
Kennedy,

Kilbourn,
Lee,
Longwell,
Mackubin,
McCormick,
McMaster,
Motter,
Nicoali,
Perry,
Pleasants,
Ritchie.—33

So the order submitted by Mr. Hammond, was adopted.

Mr. Dent, Chairman of the Committee upon the Legislative Department, reported back the original report of said committee, which had been re-committed to the committee, with the following additional sections as a Supplementary Report:

Additional sections to Report of Committee upon the Legislative Department.

SECTION —. No person shall be incompetent as a witness on account of race or color, unless hereafter so declared by Act of the General Assembly.

SEC. —. It shall not be lawful for the General Assembly to authorize any of the counties, cities, or municipal corporations of this State to incur any debt or obligation in making or assisting to make any railroads, canals, or internal improvement, without the consent of a majority of the qualified voters who may vote in such county, city or municipal corporation, in reference to such debt or obligation, in such manner and at such time and place as the General Assembly may prescribe.

SEC. —. The General Assembly shall by law provide for the appointment of a State Prison Inspector to visit and inspect the penitentiary, jails, almshouses, hospitals, lunatic asylums, and other institutions and places in which persons are, or may be confined, under the laws of the State, and shall define therein, his term of office, salary powers and duties.

Which was read a first time.

The hour having arrived for taking up the unfinished business of yesterday, the Convention resumed the consideration of the report of the Committee upon the Elective Franchise and the qualification of voters.

The question recurring upon the amendment submitted by Mr. Bradley to the 7th section of the Report.

(By unanimous consent,) Mr. Bradley withdrew the amendment submitted by him.

The question then recurring upon the amendment submitted by Mr. Maulsby,

(By unanimous consent,) Mr. Maulsby withdrew the amendment.

The report, as amended, was then read a second time, and ordered to be engrossed for a third reading.

On motion of Mr. Bradley,

The rules were suspended, and

The Convention took up for consideration the orders submitted by Messrs. Mitchell, Bradley and Thomas, on yesterday, relative to adjournment.

The question recurring upon the order submitted by Mr. Mitchell,

(By unanimous consent,) Mr. Bradley withdrew the order submitted by him.

Mr. Hammond submitted the following order, and as a substitute,

Ordered, That the Convention adjourn on Wednesday the 26th inst., to meet again on Tuesday, the 9th of July.

Pending the consideration of which,

Mr. Bradley demanded the previous question.

The question then being,

“Shall the previous question be now put,”

It was sustained.

The question then recurring upon the order submitted by Mr. Hammond,

The question being upon its adoption,

Mr. Bradley demanded the yeas and nays;

The demand being sustained, the yeas and nays were called and appeared as follows:

AFFIRMATIVE.

Messrs.	Hammond,	Morris,
Austin,	Henderson,	Nelson,
Bennett,	Hodson,	Parran, C. S.
Bradley,	Hollyday,	Peters,
Bent,	Horse, of Som.,	Rider,
Cosgrove,	Hubbard,	Ringgold,
Covington,	Jamison,	Roman,
Dent,	Janvier,	Thomas,
Dobbin,	Manro,	Toadvine,
Dorsey,	Massey,	Wallace,
Finley,	McMaster,	Whitman—36.
Ford,	Merryman,	
Franklin,	Mitchell,	

NEGATIVE.

Messrs.	Flaherty,	Maulsby,
Carmichael, P't,	Franck,	McCormick,
Alvey,	Galt,	McKaig,
Barry,	Garey,	McPherson,
Bateman,	George,	Motter,
Bell,	Giddings,	Murray,
Brewer, B. city,	Gill,	Nicolai,
Brewer, of Mont.,	Goldsborough, T,	Parran, John
Brooke,	Groome,	Perry,
Brown,	Hardcastle,	Pleasants,
Buchanan,	Hayden,	Pole,
Carter,	Hoblitzell,	Rennolds,
Chambers,	Howard,	Riggs,
Cover,	Howison,	Ritchie,
Cunningham,	Ireland,	Rogers,
Denson,	Johnson,	Silver,
Devries,	Jones,	Spates,
Duvall,	Kennedy,	Tarr, of Caroline,
Emack,	Kilbourn,	Vansant,
Evans,	Lee,	Walsh,
Farnandis,	Longwell,	Wethered—64.
Ferry,	Mackubin,	

So the order submitted by Mr. Hammond, was rejected.

The question then recurring upon the order submitted by Mr. Mitchell ;

It was rejected.

The question then recurring upon the order submitted by Mr. Thomas ;

It was rejected.

Mr. Hollyday asked leave of absence from the sessions of the Convention to enable him to attend to his harvest.

Pending the consideration of which,

The hour having arrived for taking up the order of the day, being the Report of the Committee upon Education, the Convention proceeded to the consideration thereof ;

Pending which ;

Mr. Kennedy moved to postpone the further consideration thereof for thirty minutes.

Mr. Ritchie moved to postpone the further consideration thereof, until the subject under consideration be disposed of ;

Decided in the negative.

The question then recurring upon the motion submitted by Mr. Kennedy ;

It was sustained ;

And the further consideration of the order of the day was postponed for thirty minutes.

The Convention then resumed the consideration of the motion submitted by Mr. Hollyday, to grant him leave of absence from the sessions of the Convention ;

It was decided in the negative.

Mr. Wallace moved a suspension of the Rules to enable him to submit an Order ;

Decided in the negative.

The Convention then resumed the consideration of the order of the day being the Report of the Committee upon Education.

The question recurring upon the amendment submitted by Mr. George, viz. :

Sec. 2. "The public Schools of the city of Baltimore, shall be a separate organization under the control of the Mayor and City Council of said city ;"

It was rejected.

The question then recurring upon the amendment submitted by Mr. Franklin, viz. :

Omit all after the word "and" in third line, and insert

“shall expire when the system provided for in the 1st Section shall be adopted ;”

Pending the consideration of which ;

Mr. Kilbourn submitted the following amendment as a substitute :

2d Section. Strike out at the end of the Section the words “except so far as adopted, or continued by the General Assembly;”

Pending which,

Mr. Kilbourn moved to postpone the further consideration of the order of the day until to-morrow ;

Pending the consideration of which,

Mr. Mitchell (by unanimous consent,) submitted the following order :

Ordered, That A. M. Neale, a page to this Convention, be permitted to visit his home for a few days in consequence of affliction in his family ;

Which was adopted.

The Convention then resumed the consideration of the motion submitted by Mr. Kilbourn ;

Pending which,

On motion of Mr. Brent,

The Convention resolved itself into a Committee of the Whole,

Mr. Jones in the chair ;

After some time spent in Committee of the Whole,

The Committee rose,—

The President resumed the chair—and through Mr. Jones, Chairman,

Reported that they had under consideration the Report of the Committee upon Education,—had made some progress thereon, and asked leave to sit again ;

The Report of the Committee was adopted.

On motion of Mr. Walsh,

At 3 o'clock and 10 minutes, the Convention adjourned.

THURSDAY June 20, 1867.

The Convention met.

Prayer by Rev. Mr. Leech.

Present at the call of the roll the following members :

Messrs. Charmichael (President,) Alvey, Archer, Austin, Barnes, Barry, Bateman, Bell, Bennett, Bradley, Brewer, of Baltimore city, Brewer, of Montgomery, Brook Brown, Buchanan, Carter, Chambers, Cosgrove, Cover, Covington, Cunningham, Dent, Devries, Dobbin, Dorsey, Duvall, Emack, Evans, Farnandis, Ferry, Finley, Flaherty, Ford, Franck, Franklin, Galt, Garey, Giddings, Gill, Goldsborough, of Dorch'r, Goldsborough, of Talbot, Groome, Hammond, Hardcastle, Hayden, Henderson, Hoblitzell, Hodson, Hollyday, Horsey, of Fred'k, Horsey, of Somerset, Howison, Hubbard, Ireland, Jamison, Janvier, Johnson, Jones, Keating, Kennedy, Kilbourn, Longwell, Mackubin, Manro, Massey, Maulsby, McCormick, McKaig, McMaster, McPherson, Merrick, Merryman, Mitchell, Morris, Motter, Murray, Nelson, Nicolai, Charles S. Parran, John Parran, Perry, Peters, Pleasants, Pole, Rennolds, Rider, Riggs, Ringgold, Ritchie, Rogers, Roman, Silver, Spates, Tarr, of Caroline, Tarr of Worcester, Thomas, Toadvine, Vansant, Wallace, Walsh, Watkins, of Montgomery, Wethered, Wickes, Wilkinson.—
104.

The proceedings of yesterday were read and approved.

Mr. Garey presented the petition of W. S. Gorton and others, relative to a change in the municipal affairs of Baltimore city ;

Which was read, and,

Referred to the Baltimore city Delegation.

Mr. Ford presented the petition of A. H. Sappington and others, in reference to the appointment of County Commissioners ;

Which was read, and,

On motion of Mr. Ford,

Referred to the Committee Respecting the Appointment, Duties, and Tenure of Office, Compensation of all Civil Officers, &c.

The President appointed Messrs. Hammond, Jones, Horsey, Franklin, Tarr, Toadvine, Rider, Archer, Mitchell, Bradley and Gill, a Committee to consider and report upon the various petitions and memorials presented to the Conven-

tion, from the citizens of the counties of Somerest and Worcester relative to the formation of a new county out of portion of Somerset and Worcester counties, under the order submitted by Mr. Hammond, on yesterday.

Mr. Mitchell submitted the following Order:

Ordered, That it be entered on the Journal, that the Hon. Mr. Brent is detained from his seat in this Convention, by sickness in his family,

Which was adopted.

Mr. Garey submitted the following Order:

Ordered, that all reports of committees, when passed to the third reading and ordered to be engrossed, shall be printed in amended form for the use of the Convention,

Which was adopted.

Mr. Vansant submitted the following Resolutions:

Whereas, It has been represented that his Excellency, Andrew Johnson, President of the United States, will leave the City of Washington, on the 21st inst., for the purpose of visiting one or more of the Eastern cities of the United States; and, whereas, it would be a source of much gratification to the members of this Convention to have an opportunity, during the session of said Convention, to manifest in person their respect for the patriotic Chief Magistrate of the Nation; therefore,

Resolved, By this Convention, That his Excellency, Andrew Johnson, President of the United States, be respectfully invited to visit the ancient and honored seat of Government of Maryland, on his return trip to the City of Washington, and that his Excellency, Thomas Swann, Governor of the State of Maryland, be respectfully solicited to unite with this Convention in this request, and to tender to the President the hospitalities of the State of Maryland.

Resolved, That the Governor of the State be respectfully requested, and the President of this Convention be authorized to adopt, such measures as may be necessary and proper in the execution of the foregoing resolution,

Which were read a first, and by special order, a second time, and (unanimously adopted.)

Mr. McCormick submitted the following order:

Ordered, That it be entered on the journal that the absence of Colonel Howard, a member of this Convention, from Cecil, is caused by sickness in his family;

Which was adopted.

Mr. Carter submitted the following order:

Ordered, That all the reports from the Standing Committees that have been, or shall hereafter be ordered to be engrossed, shall be referred to the Committee on Revision and Compilation for the purpose of having the same prepared for the third reading, and the final action of the Convention ;

Which was adopted.

Mr. Longwell submitted the following order :

Ordered, That the time of meeting of this Convention hereafter shall be ten o'clock, A. M., and 8 o'clock, P. M.,

Pending the consideration of which,

Mr. Mitchell moved to strike out the word "ten," and insert the word "eight ;"

Decided in the negative.

On motion of Mr. Nicolai,

The order was then laid on the table.

Mr. Howison submitted the following :

June 20, 1867.

To the Honorable, the Constitutional Convention :

Being anxious to visit my family for a few days, I respectfully ask your Honorable Body, to grant me leave of absence from the service of the Convention, for that purpose.

Very respectfully,

STEPHEN P. TOADVINE.

Which was read.

Also, the following order :

Ordered, That Mr. Toadvine, Committee Clerk, be allowed leave of absence until Wednesday, the 26th instant ;

Which was adopted.

Mr. Howison, Chairman Committee upon Accounts, submitted the following

REPORT :

The Committee on Accounts have examined and adjusted the accounts of Daniel Caulk, carpenter, for the alterations, repairs, and of the Hall, Committee Rooms and passages, and put them in proper state for the use of the Convention, and for the repairs of desks in the Hall, and altering the lobby for the convenience of the Delegates since the meeting of the Convention, amounting in the aggregate to the sum of \$1,554 01, and they recommend that they be paid.

When these accounts are paid there will be no claim against the Convention Fund, excepting the claim of the printer.

JAS. R. HOWISON, Chairman,
ALFRED SPATES,
H. W. DORSEY,
SAMUEL RIGGS, of R.,
HENRY A. SILVER,
B. B. CHAMBERS,
WM. JANVIER.

Which was read a first, and (two-thirds of the members present concurring,) by special order, a second time, and adopted.

The Convention then took up for consideration the order of the day,

Being the report of the Committee to Consider and Report upon the Rates of Interest, and the Usury Laws ;

The question recurring upon the motion submitted by Mr. Silver, to indefinitely postpone the consideration of the whole subject ;

It was decided in the negative.

The question then recurring upon the amendment submitted by Mr. Page, viz :

Section —. In the absence of contract, the rate of interest shall be six per cent. per annum, but it shall be lawful to contract in writing for the payment of any rate of interest not exceeding ten per cent. per annum.

Pending the consideration of which,

Mr. McCormick demanded the previous question.

The question then being,

“Shall the previous question be now put,”

It was decided in the affirmative.

The question then recurring upon the adoption of the amendment submitted by Mr. Page.

Mr. Wilkinson demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows:

AFFIRMATIVE.

Messrs.	Brewer, Bal. city.	Keating,
Carmichael, P't,	Galt,	Murray,
Barnes,	Henderson,	Vansant.—9.

NEGATIVE.

Messrs.	Franklin,	McPherson,
Alvey,	Garey,	Merryman,
Austin,	Giddings,	Mitchell,
Barry,	Gill,	Morris,
Bateman,	Goldsborough, D.	Motter,
Bell,	Goldsborough, T.	Nelson,
Bennett,	Groome,	Nicolai,
Bradley,	Hammond,	Parran, Chas. S.
Brewer, of Mnt'y	Hardcastle,	Parran, John,
Brown,	Hayden,	Perry,
Buchanan,	Hoblitzell,	Peters,
Carter,	Hollyday,	Pleasants,
Chambers,	Horsey, of F.,	Pole,
Cosgrove,	Horsey, of Som.	Rennolds,
Cover,	Howison,	Rider,
Covington,	Hubbard,	Riggs,
Dent,	Ireland,	Ringgold,
Devries,	Janvier,	Ritchie,
Dobbin,	Jones,	Rogers,
Dorsey,	Kennedy,	Roman,
Duvall,	Kilbourn,	Silver,
Emack,	Longwell,	Spates,
Evans,	Mackubin,	Tarr, Caroline,
Farnandis,	Manro,	Thomas,
Ferry,	Massey,	Toadvine,
Finley,	Maulsby,	Walsh,
Flaherty,	McCormick,	Watkins, of M.,
Ford,	McKaig,	Wethered,
Franck,	McMaster,	Wilkinson.—85.

So, the amendment submitted by Mr. Page, was rejected.

The question then recurring upon the amendment submitted by Mr. Bradley, viz:

The rate of interest in this State shall not exceed six per cent. per annum, and the Legislature shall provide by law all necessary forfeitures and penalties against usury.

The question being upon its adoption.,

Mr. Dent demanded the yeas and nays ;

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Finley	Janvier,
Austin,	Flaherty,	Manro,
Bell,	Ford,	Maulsby,
Bradley,	Franklin,	McMaster,
Brewer, of B. city	Giddings,	McPherson,

Brewer, Montg'y,	Goldsborough, D,	Morris,
Cover,	Hammond,	Nelson,
Covington,	Hardcastle,	Parran, C. S.
Dent,	Hollyday,	Parran, John,
Devries,	Horsey, of S.,	Perry,
Dorsey,	Hubbard,	Ringgold,
Duvall,	Ireland,	Thomas,
Emack,	Jamison,	Walsh,—38

NEGATIVE.

Messrs.	Gill,	Motter,
Carmichael, Pre't	Goldsborough, T.	Murray,
Alvey,	Groome,	Nicolai,
Barnes,	Hayden,	Peters,
Barry,	Henderson,	Pleasants,
Bennett,	Hoblitzell,	Pole,
Brown,	Horsey, of Fred'k	Rennolds,
Buchanan,	Howison,	Rider,
Carter,	Jones,	Riggs,
Chambers,	Keating,	Ritchie,
Cosgrove,	Kennedy,	Rogers,
Cunningham,	Kilbourn,	Roman,
Dobbin,	Longwell,	Silver,
Evans,	Mackubin,	Spates,
Farnandis,	Massey,	Toadvine,
Ferry,	McCormick,	Vansant,
Franck,	McKaig,	Watkins, of Mo'y
Galt,	Merryman,	Wethered
Garey,	Mitchell,	Wilkinson—56.

So the amendment submitted by Mr. Bradley,
Was rejected.

The question then recurring upon the amendment submitted by Mr. Groome, viz :

Substitute for entire section ;

“The legal rate of interest shall be six per cent. per annum, but contracts, in writing, may be made for any rate unless, and until the General Assembly shall otherwise enact.”

The question being upon its adoption ;

Mr. Barry demanded the yeas and nays ;

The demanded being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Emack,	Merryman,
Carmichael, P't,	Evans,	Mitchell,
Barnes,	Ferry,	Nicolai,

Barry,	Franck,	Pleasants,
Bell,	Gill,	Rennolds,
Bennett,	Goldsborough, T.	Riggs,
Brewer, B. city.	Groome,	Ritchie,
Brown,	Henderson,	Rogers,
Buchanan,	Horse, of Fred'k	Roman,
Carter,	Howison,	Toadvine,
Chambers,	Kennedy,	Vansant,
Cosgrove,	Kilbourn,	Wethered,
Cunningham,	Longwell,	Wilkinson.—40.
Dobbin,	McCormick,	

NEGATIVE.

Messrs.	Giddings,	McMaster,
Alvey,	Goldsborough, D.	McPherson,
Austin,	Hammond,	Morris,
Bateman,	Hardcastle,	Motter,
Bradley,	Hayden,	Murray,
Brewer, M'y.	Hoblitzell,	Nelson,
Cover,	Hollyday,	Parran, C. S.,
Covington,	Horse, Som.	Parran, John,
Brent,	Hubbard,	Perry,
Devries,	Jamison,	Peters,
Dorsey,	Janvier,	Pole,
Duvall,	Jones,	Rider,
Farnandis,	Keating,	Ringgold,
Finley,	Mackubin,	Silver,
Flaherty,	Manro,	Tarr, of Caroline,
Ford,	Massey,	Thomas,
Franklin,	Maulsby,	Walsh,
Galt,	McKaig,	Watkins, M.—54.
Garey,		

So the amendment submitted by Mr. Groome,

Was rejected.

Mr. Ritchie submitted the following as a substitute for the whole Section :

Sec. —. In the absence of contract the rate of interest shall be six per cent. per annum ; but it shall be lawful to contract for the payment of any rate of interest ; *provided*, that no greater rate than six per cent. shall be allowed or recovered unless the contract wherein the same is agreed upon in writing ; and *provided further*, That the General Assembly may at any time, alter, or amend the provisions of this Section.

Mr. Walsh submitted the following amendment :

Sec. —. In the absence of a contract the rate of interest shall be six per cent. per annum ; but it shall be lawful to contract, in writing, for the payment of any rate of interest not exceeding eight per centum per annum, but the General

Assembly shall have power to prohibit contracts for a greater rate than six per centum per annum.

Mr. Alvey submitted the following amendment :

Sec.—. The legal rate of interest in this State shall be six per cent. per annum, unless the General Assembly prescribe a different rate; but no rate that may be prescribed shall be less than six nor more than eight per cent. per annum; and the General Assembly shall prescribe fines and forfeitures for the violation of this section, or any law made in performance hereof.

Pending the consideration of which,

Mr. Mackubin by unanimous consent, submitted the following order :

Ordered, That the report and amendments thereto now under consideration be re-committed with instruction to the Committee to report, that it is inexpedient to embody in the proposed Constitution, any provision whatever on the subject.

Pending the consideration of which,

The question recurring upon concurring therein.

Mr. Mackubin demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Horsey, of F'dk,	Mitchell,
Carmichael, P't,	Horsey, of Som't.	Motter,
Dent,	Ireland,	Parran, John
Devries,	Jamison,	Rennolds,
Evans,	Mackubin,	Ringgold,
Ford,	Manro,	Roman,
Franklin,	Maulsby,	Silver,
Galt,	McPherson,	Tarr, Worcester,
Goldsborough, T.	Merrick,	Thomas—27.
Hayden,		

NEGATIVE.

Messrs.	Farnandis	McKaig,
Alvey,	Ferry,	McMaster,
Austin,	Finley,	Merryman,
Barnes,	Franck,	Morris,
Barry,	Garey,	Murray,
Bateman,	Giddings,	Nelson,
Bell,	Gill,	Nicolai,
Bennett,	Goldsborough, D.	Perry,
Bradley,	Groome,	Peters,
Brewer, B. city,	Hammond,	Pleasants,

Brewer, of Mont.,	Hardcastle,	Pole,
Brown,	Henderson,	Rider,
Buchanan,	Hoblitzell,	Riggs,
Carter,	Hollyday,	Ritchie,
Chambers.	Howison,	Spates,
Cosgrove,	Hubbard,	Starr,
Cover,	Janvier,	Tarr, of Caroline,
Covington,	Jones,	Vansant,
Cunningham,	Keating,	Walsh,
Dobbin,	Kennedy,	Watkins, of M'y,
Dorsey,	Longwell,	Wethered,
Duval,	Massey,	Wilkinson—67.
Emack,	McCormick	

So the order submitted by Mr. Mackubin, was rejected.

Mr. Rider moved to lay the whole subject on the table ;

Decided in the negative.

The question recurring upon the amendment submitted by Mr. Alvey,

Mr. Bateman demanded the previous question ;

The question then being,

“ Shall the previous question be now put,”

It was sustained.

The question then being upon the adoption of the amendment submitted by Mr. Alvey ;

Mr. Mackubin demanded the yeas and nays ;

The demand being sustained,

The yeas and nays were called, and appeared as follows

AFFIRMATIVE.

Messrs.	Ford,	Kilbourn,
Carmichael, P't.,	Franklin,	McMaster,
Alvey,	Galt,	McPherson,
Austin,	Goldsborough, D,	Mitchell,
Bateman,	Hammond,	Morris,
Bradley,	Hardcastle,	Murray,
Brewer, of Mon'y,	Hayden,	Nelson,
Cosgrove,	Hodson,	Parran, John,
Cover,	Hollyday,	Pole,
Covington,	Horse, of Fre'k.	Ringgold,
Cunningham,	Hubbard,	Silver,
Dent,	Ireland,	Tarr, of Caroline,
Dorsey,	Jamison,	Tarr, of Wor.,
Finley,	Keating,	Watkins, of Mo'y

NEGATIVE.

Messrs.	Franck,	McKaig,
Archer,	Garey,	Merrick,
Barnes,	Giddings,	Merryman,
Barry,	Gill,	Nicolai,
Bell,	Goldsborough, T,	Perry,
Bennett,	Groome,	Peters,
Brewer, Bal. city,	Henderson,	Pleasants,
Brown,	Hoblitzell,	Rennolds,
Buchanan,	Horse, of Som't.	Rider,
Carter,	Howison,	Riggs,
Chambers,	Jones,	Ritchie,
Devries,	Kennedy,	Roman,
Dobbin,	Longwell,	Spates,
Duvall,	Mackubin,	Starr,
Emack,	Manro,	Vansant,
Evans,	Massey,	Walsh,
Farnandis,	Maulsby,	Wethered,
Ferry,	McCormick,	Wilkinson,—53.

So the amendment submitted by Mr. Alvey, was rejected.

The question then recurring upon the amendment submitted by Mr. Walsh,

It was rejected.

The question then recurring upon the amendment submitted by Mr. Ritchie,

The question being upon its adoption,

Mr. Gill demanded the yeas and nays.

The demand being sustained ;

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Garey,	Peters,
Carmichael, P't,	Gill,	Pleasants,
Archer,	Henderson,	Rennolds,
Barnes,	Howison,	Riggs,
Barry,	Janvier,	Ringgold,
Brewer, B. city,	Jones,	Ritchie,
Brown,	Kilbourn,	Roman,
Buchanan,	Longwell,	Spates,
Chambers,	McCormick,	Vansant,
Dobbin,	Merryman,	Wickes,
Evans,	Mitchell,	Wilkinson—34.
Franck,	Nicolai,	

NEGATIVE.

Messrs.	Franklin,	Maulsby,
Alvey,	Galt,	McKaig,

Austin,	Giddings,	McMaster,
Bateman.	Goldsborough, D,	McPherson,
Bell,	Goldsborough, T,	Merrick,
Bennett,	Groome,	Morris,
Bradley,	Hammond,	Motter,
Brewer, of Mont.,	Hardcastle,	Murray,
Carter,	Hayden,	Nelson,
Cosgrove,	Hoblitzell,	Parran, John,
Cover,	Hodson,	Perry,
Covington,	Hollyday,	Peters,
Cunningham,	Horsey, of Fred.	Rider
Dent,	Horsey, of Som.,	Silver,
Devries,	Hubbard,	Starr,
Dorsey,	Ireland,	Tarr, of Caroline,
Duval,	Jamison,	Tarr, of Wor.,
Emack,	Keating,	Thomas,
Fernandis,	Kennedy,	Walsh,
Ferry,	Mackubin,	Watkins, of M.,
Finley,	Manro,	Wethered—64.
Ford,	Massey,	

So the amendment submitted by Mr. Ritchie was rejected.

Mr. Watkins submitted the following amendment :

Sec. —. The legal rate of interest shall be six per cent. per annum unless otherwise provided by the General Assembly;

Pending the consideration of which,

Mr. Watkins demanded the previous question, the question then being,

“ Shall the previous question be now put,”

It was sustained.

The question then recurring upon the adoption of the amendment, submitted by Mr. Watkins.

Mr. Watkins demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called and appeared as follow ;

AFFIRMATIVE.

Messrs.	Farnandis,	McCormick,
Carmichael, P't	Ferry,	McKaig,
Archer,	Ford,	Merrick,
Barry,	Franklin,	Mitchell,
Bell,	Galt,	Motter,
Bennett,	Hardcastle,	Nicolai,
Brewer, of B. city,	Hayden,	Parran John,
Brewer, of M'ty,	Hoblitzell,	Pole,
Buchanan,	Horsey, of F.	Rennolds,

Chambers,	Hubbard,	Ringgold,
Cosgrove,	Jamison,	Roman,
Cover,	Kennedy,	Silver,
Cunningham,	Kilbourn,	Spates,
Dent,	Longwell,	Starr,
Devries,	Mackubin,	Tarr, of Caroline,
Emack,	Manro,	Watkins, of Mo'y
Evans,	Maulsby,	Wethered.—50.

NEGATIVE.

Messrs.	Gill,	McMaster,
Alvey,	Goldsborough, D.	McPherson,
Austin,	Goldsborough, T.	Morris,
Bateman,	Groome,	Murray,
Bradley,	Hammond,	Nelson,
Brown,	Henderson,	Perry,
Carter,	Hodson,	Peters.
Covington,	Hollyday,	Pleasants,
Dobbin,	Horse, of S.,	Rider,
Dorsey,	Howison,	Riggs,
Duvall,	Ireland,	Ritchie,
Finley,	Janvier,	Tarr, of Wor.,
Franck,	Jones,	Thomas,
Garey,	Keating,	Walsh,
Giddings,	Massey,	Wickes.—44.

So, the amendment submitted by Mr. Watkins, of Montgomery, was adopted.

The report of the Committee, as amended, was then read a second time and ordered to be engrossed for a third reading.

On motion of Mr. Barry,

The Convention resolved itself into Committee of the Whole, to consider the Report of the Committee upon Education, with pending amendments,

Mr. Jones in the chair.

After some time spent in the Committee of the Whole, the Committee rose.

The President resumed the chair—and,

Through Mr. Jones, Chairman—reported,

That they had had under consideration the Report of the Committee upon Education, with pending amendments; had made some progress thereon, and asked to be discharged from the further consideration thereof.

The Report was adopted,

And the Committee discharged.

The Convention then resumed the consideration of the Report of the Committee upon Education.

The question recurring upon the amendment submitted by Mr. Kilbourn,

Pending the consideration of which,

Mr. Carter submitted the following:

Notice is hereby given, that an Order will be offered in this Convention on Friday, June 21st, that Rule 20 be changed by substituting, in the place of the word "Nine," the words "Two-thirds."

Which was read:

On motion of Mr Henderson,

At 3 o'clock, and ten minutes P. M., the Convention adjourned.

PROCEEDINGS, IN COMMITTEE OF THE WHOLE.

Thursday, June 20, 1867.

The Committee met.

Mr. Jones in the chair.

The Committee took up for consideration the report of the Committee upon Education, together with pending amendments, which had been committed to them by the Convention,

Pending which,

Mr. Carter moved that the committee now rise and report that they have had under consideration the report of the Committee upon Education, together with pending amendments, have made some progress thereon, and ask to be discharged from the further consideration of the same;

Decided in the affirmative.

The committee then rose

FRIDAY, June 21, 1867.

The Convention met.

Prayer by the Rev. Mr. Hammond.

Present at the call of the roll the following members:

Messrs. Carmichael, (President,) Alvey, Archer, Austin, Barnes, Barry, Bateman, Bell, Bennett, Bradley, Brewer, of Balt. City, Brooke, Brown, Buchanan, Carter, Chambers, Cover, Cunningham, Denson, Dent, Devries, Dobbin, Dorsey, Duvall, Emack, Evans, Farnandis, Ferry, Finley, Ford, Franck, Franklin, Galt, Garey, George, Giddings, Gill, Goldsborough, of Dorchester, Goldsborough, of Talbot, Groome, Hall, Hammond, Hardcastle, Hayden, Henderson, Hoblitzell, Hodson, Hollyday, Horsey, of Frederick, Howison, Hubbard, Ireland, Jamison, Janvier, Johnson, Jones, Keating, Kennedy, Kilbourn, Lee, Longwell, Mac-kubin, Marbury, Massey, Maulsby, McCormick, McKaig, McMaster, McPherson, Merrick, Merryman, Mitchell, Morris, Murray, Nelson, Page, C. S. Parran, John Parran, Perry, Peters, Pleasants, Pole, Rennolds, Rider, Riggs, Ringgold, Ritchie, Rogers, Roman, Silver, Spates, Starr, Syester, Tarr, of Caroline, Thomas, Toadvine, Vansant, Walsh, Watkins, of Montgomery, Wethered, Wickes, Wilkinson, Whitman—100.

The proceedings of yesterday were read and approved.

The President laid before the Convention the Report from the Clerk of the Circuit Court for Anne Arundel County, in response to an order of the Convention, showing the number of indictments found in said Court during the years 1864, 1865, 1866 and 1867.

Also the Report of said Clerk showing the number of cases tried, &c., during the years 1865 and 1866;

Which were read and referred to the Committee upon the Judiciary Department.

Mr. Carter presented the memorial of the State of Virginia and others in relation to the Chesapeake and Ohio Canal Company.

Also, the memorial of W. W. Corcoran, J. Philip Roman and others, in relation to the Chesapeake and Ohio Canal Company,

Which were read, and,

On motion of Mr. Carter;

Referred to the Committee on Public Works and Corporations.

Mr. McMaster submitted the following :

To the Honorable the Constitutional Convention :

Being anxious to visit my home for a few days, I respectfully ask your Honorable Body to grant me leave of absence from the services of the Convention for that purpose.

Respectfully,

HENRY DRYDEN,

June 21st, 1867.

Door-keeper.

Which was read.

Mr. McMaster also submitted the following order :

Ordered, That Henry Dryden, Door-keeper, have leave of absence from the services of the Convention until Friday next.

Which was adopted.

The Convention then resumed the consideration of the unfinished business of yesterday ;

Pending which,

On motion of Mr. Barnes ;

The further consideration thereof was informally postponed for twenty minutes.

Mr. Carter (by unanimous consent) submitted the following order :

Ordered, That Rule 20 be changed by the substitution of the words "a majority of the," in the place of the word "nine,"

Which was rejected.

The Convention then took up for consideration, the report of the Committee upon Department of Labor and Agriculture,

Pending which,

On motion of Mr. Rider,

The further consideration thereof was informally postponed, and,

The Convention resumed the consideration of the Report of the Committee upon Education;

Pending which,

On motion of Mr. Devries,

The vote by which the first section was ordered to a second reading, was reconsidered.

Mr. Devries submitted the following as a substitute for the whole Report :

SECTION 1. The General Assembly shall at its first session after the adoption of this Constitution, proceed to establish a thorough and efficient system of the Public Schools throughout the State.

Sec. 2. The present School system shall remain in force until superseded by the system provided for in the first section of this article.

Sec. 3. The General Assembly shall cause to be levied at each regular Session an annual tax of not less than 10 cents on the \$100 00 of taxable property throughout the State, which tax shall be collected at the same time, and by the same agents as the general levy, such levy to be divided among the several counties and Baltimore city, in proportion to their respective population between the ages of 7 and 20 years.

Sec. 4. The School fund of the State shall be kept inviolate and appropriated only to the purpose of education.

Pending the consideration of which,

Mr. Barnes submitted the following as a substitute for the whole report :

SECTION 1. The system of Public Education now existing shall continue until the first day of March, 1868, and as soon as this Constitution shall be ratified, shall be under the management and control of the present profession of the State Normal School, who shall receive the same compensation now provided by law for the Superintendent of Public Education in the State. And the votes in the several Election Districts of each county, shall at the first general election, after the ratification of this Constitution, and at each succeeding general election for members of the House of Delegates thereafter, elect one School Commissioner for each Election District in each county, the returns thereof to be made in the same manner now required by law for other county officers, and the persons elected as Commissioners, shall constitute a Board of Public Education for the respective counties where they are chosen, and the Board so constituted shall have power to provide such system of Public Education for their respective counties as they may deem best, and they shall have full power to put the same into effective operation in their respective counties, and the County Commissioners of each county shall from time to time levy upon the assessable property of

their respective counties, such amount of money as may be required by the Board of Public Education, for the support of such schools.

And there shall be levied upon the taxable property of the State as other State taxes are levied and collected, a general tax of five cents on the hundred dollars of valuation, for the use of the Public School fund of the State, which shall with any other School funds of the State be distributed annually by the Comptroller of the State among the several counties and the city of Baltimore, according to the number of children attending Public Schools in each respectively the previous year.

And there shall be appointed by the General Assembly of Maryland in convention, a suitable person as Inspector of Public Schools for the State at large, who shall hold his office for two years, and shall provide such compensation for his services as they may deem best, and the person chosen Inspector as herein provided, shall from time to time, and as often as possible, visit the several Schools of the State, and render such service as may be required by law.

And the control of all the Public Schools property in each county, shall be transferred to the Boards of Public Education in each, and the property of the State Normal School and such other property belonging to the State Board of Public Education, as is not by this article transferred to the several counties, shall be under the control of the State Inspector hereby authorized to be appointed.

And the Mayor and City Council of Baltimore shall have the same control over the Public Education of that city that they had before the present system was adopted.

And the General Assembly shall have full power to make from time to time, such changes in the system of Public Education of the State as they may think proper.

Pending the consideration of which,

Mr. Kilbourn moved that the further consideration of the Report and pending amendments, be postponed until Tuesday next, 25th inst., and be printed.

Decided in the negative.

The question then recurring upon the amendment submitted by Mr. Barnes as a substitute for the whole Report ;

Mr. Horsey, of Frederick, demanded the previous question ;

The question then being "shall the previous question be now put ;"

It was decided in the affirmative.

The question then recurring upon the adoption of the amendment submitted by Mr. Barnes;

Mr. Barnes demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Chambers,	Mitchell,
Barnes,	McCormick,	Rennolds,—6
Bradley,		

NEGATIVE.

Messrs.	George,	McPherson,
Carmichael, Pre't	Giddings,	Merrick,
Alvey,	Gill,	Merrymman,
Archer,	Goldsborough, D.	Morris,
Austin,	Goldsborough, T.	Murray,
Barry,	Hall,	Nicolai,
Bateman,	Hammond,	Parker,
Bell,	Hardcastle,	Parran, John,
Bennett,	Hayden,	Perry,
Brooke,	Henderson,	Pleasants,
Brown,	Hoblitzell,	Pole,
Buchanan,	Hollyday,	Rider,
Carter,	Horsey, of Fre'k.	Riggs,
Cover,	Horsey, of Som't.	Ringgold,
Cunningham,	Howison,	Ritchie,
Denson,	Hubbard,	Rogers,
Dent,	Ireland,	Roman,
Devries,	Jamison,	Silver,
Dobbin,	Janvier,	Spates,
Dorsey,	Johnson,	Starr,
Duvall,	Jones,	Syester,
Emack,	Kennedy,	Tarr, of Caroline,
Evans,	Kilbourn,	Thomas,
Farnandis,	Lee,	Vansant,
Ferry,	Longwell,	Walsh,
Finley,	Mackubbin,	Watkins, of Mo'y
Ford,	Marbury,	Wethered,
Franck,	Massey,	Wickes,
Franklin,	Maulsby,	Wilkinson,
Galt,	McKaig,	Whitman.—91
Garey,	McMaster,	

So the amendment submitted by Mr. Barnes,

Was rejected.

The question then recurring upon the amendment submitted by Mr. Devries,

Was rejected.

Mr. Morris submitted the following amendment:

Sec. 1, line 4, strike out the word "taxation," and insert after the word "by" a tax of ten per cent. on each one hundred dollars of the assessable property of the State:

Pending the consideration of which,

Mr. McMaster demanded the yeas and nays;

The demand being sustained,

The question recurring upon its adoption,

The yeas and nays were called and appeared as follows:

AFFIRMATIVE.

Messrs.	Hubbard,	Morris,
Austin,	Ireland,	Page,
Bennett,	Jamison,	Parker,
Dent,	Jones,	John Parran,
Devries,	Mackubin,	Rider,
Franklin,	Massey,	Roman,
Hammond,	McMaster,	Spates,
Hollyday,	Merrick,	Walsh—23.

NEGATIVE.

Messrs.	Galt,	McPherson,
Carmichael, Pt.,	Garey,	Merryman,
Alvey,	George,	Mitchell,
Barnes,	Giddings,	Murray,
Barry,	Gill,	Nicolai,
Bell,	Goldsborough, D,	Perry,
Bradley,	Goldsborough, T,	Pleasants,
Brown,	Hall,	Pole,
Buchanan,	Hayden,	Rennolds,
Carter,	Henderson,	Riggs,
Chambers,	Horse, of Fred.,	Ringgold,
Cover,	Howison,	Ritchie,
Cunningham,	Janvier,	Rogers,
Denson,	Johnson,	Silver,
Dobbin,	Keating,	Starr,
Dorsey,	Kennedy,	Tarr, Caroline,
Evans,	Kilbourn,	Thomas,
Farnandis,	Lee,	Toadvine,
Ferry,	Longwell,	Vansant,
Finley,	Marbury,	Watkins, Mon.
Ford,	Maulsby,	Wethered,
Franck,	McCormick,	Whitman—65.

So the amendment submitted by Mr. Morris,
Was rejected.

Mr. Gill submitted the following amendment :

Add at end of Section 1. *Provided*, that the General Assembly shall give to the City of Baltimore, if not inconsistent with the efficient promotion of education throughout the State, a separate and independent system of public schools ;

Pending the consideration of which,

Mr. C. S. Parran submitted the following amendment :

Strike out all after the word "schools," in the 4th line, and insert "the General Assembly shall levy at each regular session thereof after the adoption of this Constitution, an annual tax of not less than — cents on each one hundred dollars of taxable property throughout the State for the support of the Free Public Schools, which tax shall be collected at the same time, and by the same agents, as the general State levy ; and shall be paid into the Treasury of the State, and shall be distributed under such regulations as may be prescribed by law among the counties and the City of Baltimore, in proportion to their respective population, between the ages of five and twenty years ;"

Which was rejected.

The question then recurring upon the amendment submitted by Mr. Gill,

The question being upon its adoption,

Mr. Rennolds demanded the yeas and nays.

Mr. Denson moved a call of the House,

Which was not sustained.

The question then recurring upon the demand for the yeas and nays,

It was sustained.

The yeas and nays being called, appeared as follows:

AFFIRMATIVE.

Messrs.
Barnes,
Brewer, B. city.,
Dent,
Dobbin,
Ferry,
Franck,

Garey,
George,
Gill,
Hall,
Henderson,
Hoblitzell,
Jones,

Nicolai,
Peters,
Rennolds,
Rider,
Roman,
Spates,
Whitman.—20

NEGATIVE.

Messrs.	Giddings,	Mitchell,
Carmichael, P't,	Goldsborough, T.	Morris,
Alvey,	Groome,	Murray,
Archer,	Hammond,	Page,
Austin,	Hardcastle,	Parker,
Barry,	Hodson,	Parran, C. S.,
Bateman,	Hollyday,	Parran, John,
Bell,	Horsey, of F'k,	Perry,
Bennett,	Horsey, of Som't,	Pleasants,
Bradley,	Howison,	Pole,
Brown,	Hubbard,	Riggs,
Buchanan,	Ireland,	Ringgold,
Carter,	Jamison,	Ritchie,
Chambers,	Janvier,	Rogers,
Cosgrove,	Johnson,	Silver,
Cover,	Keating,	Starr,
Cunningham,	Kennedy,	Syester,
Denson,	Kilbourn,	Tarr, of Caroline,
Devries,	Lee,	Thomas,
Dorsey,	Longwell,	Toadvine,
Duvall,	Macubin,	Vansant,
Emack,	Massey,	Walsh,
Evans,	Maulsby,	Watkins, of M'y,
Farnandis,	McCormick,	Wethered,
Finley,	McMaster,	Wickes,
Franklin,	McPherson,	Wilkinson.—78.
Galt,		

So the amendment submitted by Mr. Gill, was rejected.

Mr. Peters submitted the follow amendment :

Sec. 1. line 4, after the word "schools," insert the words "suited in its parts to the circumstances and wishes of the people of different localities ;"

Which was rejected.

Mr. Nicolai submitted the following amendment :

Strike out all after the word "until," in line 2, and insert "the General Assembly shall provide another, or re-enact the existing system in whole or in part, but no law providing another system of Public Schools shall take effect before the 30th day of June 1868 ;"

Which was rejected.

The first Section was then read.

The Convention then proceeded to the consideration of the 2d Section of the Report.

The question recurring upon the amendment submitted by Mr. Kilbourn ;

By unanimous consent Mr. Kilbourn withdrew the amendment.

The question then recurring upon the amendment submitted by Mr. Franklin ;

It was rejected.

The 2d section was then read.

The 3d section was then read.

The Report was then read a second time and ordered to be engrossed for a third reading.

The Convention then took up for consideration the Report of the Committee upon the Legislative Department ;

Said Report being upon a second reading ;

Pending the reading of the first Section ;

Mr. Rider moved that the Convention do now adjourn until Monday next at ten o'clock, A. M.

Mr. Bateman demanded the yeas and nays ;

The demand being sustained,

The yeas and nays were ordered and appeared as follows :

AFFIRMATIVE.

Messrs.	Henderson,	Perry,
Archer,	Hodson,	Peters,
Austin,	Hubbard,	Rider,
Bell,	Ireland,	Riggs,
Brewer Balt. city.	Janvier,	Ringgold,
Brooke,	Johnson,	Roman,
Buchanan,	Jones,	Silver,
Cosgrove,	Kennedy,	Spates,
Devries,	Kilbourn,	Syester,
Emack,	Lee,	Toadvine,
Ferry,	McCormick,	Vansant,
Ford,	Merryman,	Walsh,
Franck,	Morris,	Watkins, Mon'ty.
Garey,	Nelson,	Wethered,
George,	Parran, Chas. S.,	Wickes,
Hall,	Parran, John,	Whitman.—48
Hardcastle,		

NEGATIVE.

Messrs.	Finley,	Massey,
Carmichael, Pre't	Franklin,	Maulsby,
Alvey,	Giddings,	McKaig,

Barry,	Gill,	McMaster,
Bateman,	Goldsborough, D.	McPherson,
Bradley,	Goldsborough, T.	Murray,
Brown,	Groome,	Nicolai,
Carter,	Hammond,	Parker,
Chambers,	Hoblitzell,	Pleasants,
Cunningham,	Hollyday,	Pole,
Dent,	Horsey, of Som't.	Rennolds,
Dobbin,	Jamison,	Ritchie,
Dorsey,	Keating,	Tarr, of Caroline,
Duvall,	Mackubbin,	Thomas.—42
Evans,		

So the motion submitted by Mr. Rider, prevailed, and at 2½ o'clock, P. M. the Convention adjourned until Monday morning next at ten o'clock.

MONDAY, June 24, 1867.

The Convention met.

Prayer by the Rev. Mr. Henderson.

Present at the call of the roll the following members :

Messrs. Dent, (President pro. tem.) Alvey, Barnes, Barry, Bradley, Brewer, of Baltimore city, Brooke, Brown, Buchanan, Carter, Cunningham, Denson, Dobbin, Ferry, Flaherty, Ford, Franck, Franklin, Galt, Garey, George, Gill, Goldsborough, of Dorchester, Henderson, Hoblitzell, Hodson, Horsey, of Somerset, Howison, Hubbard, Jamison, Kilbourn, Lee, Longwell, Maulsby, McKaig, McMaster, Merriyman, Murray, Nicoali, Parker, John Parran, Peters, Pole, Rennolds, Rider, Ritchie, Rogers, Syester, Tarr, of Caroline, Vansant, Watkins, of Montgomery.—51.

No quorum being present ;

On motion of Mr. Denson ;

The Door-keepers were ordered to notify the absent members, now in the city, to give their attendance.

After an absence of fifteen minutes, the Door-keepers returned and reported that they had notified the absent members, now in the city, and that they were now present.

On motion of Mr. Buchanan ;

All further proceedings, under the call, were dispensed with.

On motion of Mr. Buchanan ;

The Convention adjourned.

TUESDAY, June 25, 1867.

The Convention met.

Prayer by Rev. Mr. Burke.

Present at the call of the roll the following members :

Messrs. Carmichael, (President,) Alvey, Barnes, Barry, Bateman, Bell, Brewer, of Baltimore city, Brewer of Montgomery, Brooke, Brown, Buchanan, Cunningham, Denson, Dent, Devries, Dobbin, Dorsey, Emack, Evans, Farnandis, Ferry, Finley, Flaherty, Ford, Franck, Franklin, Galt, Garey, George, Gill, Goldsborough of Dorchester, Goldsborough, of Talbot, Groome, Hall Hardcastle, Hayden, Henderson, Hoblitzell, Hodson, Horsey, of Frederick, Horsey, of Somerset, Howison, Hubbard, Ireland, Jamison, Janvier, Johnson, Jones, Keating, Kennedy, Kilbourn, Lee, Longwell, Marbury, Massey, Maulsby, McCormick, McKaig, McMaster, Merryman, Mitchell, Morris, Motter, Murray, Nelson, Nicoali, Page, Parker, Charles S. Parran, John Parran, Perry, Pleasants, Pole, Rennolds, Rider, Ringgold, Ritchie, Rogers, Roman, Silver, Spates, Stoddert, Syester, Tarr, of Caroline, Tarr, of Worcester, Thomas, Vansant, Walsh, Watkins of Caroline, Watkins of Montgomery, Wethered, Wickes.—90

The proceedings of yesterday were read and approved.

On motion,

The following memorials presented by Mr. Carter, on Friday last, were ordered to be entered on the Journal.

To the Honorable, the Convention of Maryland:

The memorial of the United States of America, the State of Virginia, the City of Washington, the City of Georgetown, and the City of Alexandria, respectfully represents :

That your memorialists are original subscribers to the stock of the Chesapeake and Ohio Canal Company, to the amount of two millions seven hundred and fifty thousand dollars.

That when the Legislature of Maryland, at its December session, 1844, passed an act for the completion of the Chesapeake and Ohio Canal, whereby she postponed all the liens and mortgages of the said State, in favor of such persons as would lend the said Canal Company, upon its bonds, the sum of seventeen hundred thousand dollars, to complete the Canal to Cumberland, your memorialists, as stockholders in the Canal Company, assented to, and accepted the act, and the same became, by their acceptance of full effect and operation ; and it was the intention of the Canal Company by accepting said act, and by executing to the holders of the bonds, a mortgage of all the tolls and revenues of the Canal, to give to them a mortgage sufficient in point of value, and available in point of law, for their security and indemnification.

And your memorialists further beg leave to represent that by the said act and mortgage, it was agreed and understood that the Canal Company should retain the management of the Canal and its works, and collect and receive the tolls and revenues, so long as it should pay the interest upon said bonds and provide a sinking fund for the redemption of the principal thereof, but that if the said Company should fail to comply with these conditions, from any cause, except a deficiency of revenue arising from a failure of business without fault on the part of the Company, such default to be made to appear by the bondholders, then the bondholders might demand and thereupon receive possession of, and appropriate the tolls and revenues of the Company for the payment of the interest and the raising of the sinking fund.

And your memorialists beg leave to state that ever since the execution of the said mortgage, there has been such a deficiency of revenue, that no part of the interest upon the bonds has been paid since the first of January, 1852, and the arrears of interest unpaid, amount nearly to the principal of the bonds.

Your memorialists are not called upon, and do not feel competent, to decide how far the Company in which they are stockholders, have committed such fault as to entitle the bondholders to enter into possession of the Canal and appropriate its tolls and revenues ; but your memorialists having

participated for many years in the management of the Canal, feel themselves required, by a sense of justice and good faith, to represent to your Honorable Body, that, under the system which has prevailed, whereby, upon every change of politics in the Executive or Legislative departments of the State of Maryland, an entire change of the officers of the Canal Company has taken place, ; it has been found impossible to maintain any judicious, stable and economical policy, and that in the opinion of your memorialists, the true interests of all persons concerned in said Company, whether as creditors or stockholders, will be promoted by a substantial compliance with the prayer of the bondholders, as presented by a memorial to your Honorable Body, which has been submitted to your memorialists, and which, in their opinion, suggests the only practicable mode whereby the heavy incumbrances upon the Company can be raised and the interests of your memorialists and the other stockholders in the Company can within any reasonable time, be made at all valuable.

By authority of the United States of America,

WM. S. HUNTINGTON, *Box 7.*

RICHARD WALLACH,

[L.S.]

Mayor of Washington, D. C.

CHAS. D. WELCH,

[L.S.]

Mayor of Georgetown, D. C.

By authority of the State of Virginia,

BRADLEY T. JOHNSON,

Attorney and Prox'y.

To the Honorable, The Convention of Maryland :

The memorial of William W. Corcoran, Horatio Allen, J. B. H. Smith, George W. Riggs and J. Philip Roman, respectfully represents, That the Chesapeake and Ohio Canal Company was incorporated by concurrent laws of the State of Virginia, Maryland and Pennsylvania, and the Congress of the United States, in the year 1825, with what was then considered ample capital to accomplish the great object of opening a continuous water communication between the Ohio river and the Chesapeake Bay. The States of Maryland and Virginia, the United States of America, the cities of Washington, Georgetown and Alexandria, and various individuals became subscribers to its Stock to the amount of eight millions two hundred and twenty-six thousand dollars, of which five millions were subscribed by the State of Maryland,

in addition to two millions which the State advanced under a law passed in 1834, as a loan secured by a mortgage of all the lands, water rights and revenues of the Company.

These great sums, together with whatever the Company could raise by the most lavish use of its credit, proved wholly insufficient, and in March 1845, twenty years after its incorporation, the Canal was unfinished, its gross revenue less than fifty-six thousand dollars a year, its means and credit entirely exhausted, and there was every prospect that the vast outlay would be wholly lost. In this extremity, the Legislature of Maryland, on the tenth of March, 1845, passed "An Act to provide for the completion of the Chesapeake and Ohio Canal." This Act authorized the President and Directors of the Company to borrow upon the bonds of the Company, one million seven hundred thousand dollars, and to secure the payment of the interest and principal of the same, by a mortgage on the revenues and tolls of the Company, and waived, deferred and postponed, in favor of such bonds, the rights and liens of the State on the revenue only, but not upon the lands, water rights and property of the Company. To this waiver of the rights of Maryland is attached a condition, which is expressed in a proviso to the Act in these words: "And provided further, that the President and Directors of said Company shall from time to time, and at all times hereafter, have the privilege and authority to use and apply such portion of said revenues and tolls as in their opinion may be necessary, to keep the said Canal in good repair for transportation, provide the requisite supply of water, and pay the salaries of officers and agents, and the current expenses of the Company.

Under this Act, a mortgage was, on the 5th day of June, 1848, executed to trustees, of whom your memorialists are the survivors and successors, whereby the whole of the tolls and revenues of the Company were pledged for the payment of the interest and the redemption of the principal of the bonds to be issued in pursuance thereof.

The State of Virginia relying on this contract, guaranteed three hundred thousand dollars of these bonds, and the residue was taken by individuals, mainly citizens of Virginia, Maryland and the District of Columbia, and by this means the Canal was finished to Cumberland, in the year eighteen and fifty.

The Company paid the interest on the bonds up to the first day of January 1852, from which time it has failed to pay the same, by reason of which failure the State of Virginia became bound to pay said interest on the bonds guaranteed by her, and she has actually paid out, and has now due her on account of such payments, and the interest thereon, a sum

largely exceeding four hundred thousand dollars, and she has since become the holder and owner of these preferred bonds which with interest due thereon, amount to over three hundred and twenty thousand dollars. And the State of Virginia, upon the memorial of the Canal Company and upon the opinion and advice of the Attorney General of Maryland, as far back as 1849, endorsed and guaranteed the bonds of the Company to the amount of two hundred thousand dollars for repairs, upon which she has already paid interest to the amount of one hundred and sixty thousand dollars. Virginia therefore is interested in the preferred debt secured by this mortgage as creditor and guarantor to the extent of over one million two hundred and twenty thousand dollars, and the whole debt due by the Company on account of these preferred bonds and interest unpaid thereon, now exceed four millions of dollars.

The General Assembly of Maryland, having become satisfied that the interest of the State, as well as of the bondholders could only be secured by giving the bondholders an influential share in the management of a work whose whole revenue must for many years belong to them exclusively, passed at the January session, 1867, "An Act entitled, an Act to authorize the Board of Public Works to vote the stock of the State in the Chesapeake and Ohio Canal Company for a President and four Directors upon the nomination of the holders of the preferred bonds of said Company; the object of which, is explicitly set forth in its title and preamble."

This Act requires the Board of Public Works at the first general meeting of Stockholders, to cast the Stockholder vote of the State: first for its acceptance, and then for a President and four Directors as nominees of the Trustees of the preferred Bondholders.

Under this law, the General Assembly intended that the preferred Bondholders should exercise that influence in the management of the Canal Company and its works which was due to their paramount interest therein, until their debt was paid off or secured to be paid off, by a sinking fund, the creation and management of which was particularly provided for in said Act of Assembly, and the Stockholders and preferred Bondholders hoped at last to be repaid their great sacrifices, the latter by the payment of their debt, the former by relieving their property of a destructive incumbrance consisting of these bonds, and ultimately, from the burden of the many millions of dollars due the State of Maryland

And your memorialists respectfully represent that by the charter of the said Canal Company the annual meetings of the Stockholders thereof are required to be held on the first Monday of June, and that at said meetings a President and

six Directors of the Company are required to be chosen, to represent the whole body, of the Stockholders, but that neither the State of Maryland nor any other Stockholder is by the charter or by any law, authorized to appoint any Director or Directors as special representatives of the stock or interest of said Stockholder in said Company, but that the President and the said six Directors have always been chosen by the votes of the Stockholders present, by virtue of the said charter and not by virtue of any other law or any provision of the Constitution of the State of Maryland, nor under the said charter which is a contract not subject to be altered or modified without the consent of the Stockholders. Could there be any valid law or constitutional provision authorizing the appointment of the President or Directors by the said Board of Public Works.

In pursuance of the charter the Stockholders of the said Company met in the City of Annapolis, on the first Monday of June, 1867, when a lawful meeting was organized by the presence and co-operation therein of a majority in value of all the stock, and, at that meeting the State of Maryland claimed to be present and represented by a majority of the Board of Public Works of said State, and the United States, the State of Virginia, and the cities of Washington, Georgetown and Alexandria, attended by their duty appointed proxies, and the Trustees of the Bondholders, in pursuance of the said Act of the General Assembly nominated in writing a President and four Directors of said Company.

And your memorialists further state that the said meeting of Stockholders took into consideration the said law, as they were bound to do, and a resolution was offered providing for the acceptance of the same. The object and effect of said law was now for the first time, discussed by the said Stockholders and the Stockholders present, including the State of Maryland, represented by the Governor and Comptroller, were unanimously of opinion that it was a wise and expedient act of legislation, founded upon sound principles of public policy. But, whilst there was no difference of opinion as to the justice and wisdom of the law, the Board of Public Works had conceived doubts of its constitutionality, and against the wishes and judgment of the minority of said Stockholders, refused to vote for the acceptance of the law, and without coming to any definite vote thereupon, proposed and carried an adjournment of the meeting to the 10th day of July, proximo.

It is not pretended that the Act of 1867, violates any essential principle of the fundamental law, or contravenes in

the least, any public interest; but the Board of Public Works insist, that as they are clothed by the Constitution, with authority to *appoint* the Directors in all Canal and Railroad Companies in which the State has the "legal powers to *appoint* Directors," it is beyond the power of the Legislature to direct how the vote of the State as a Stockholder in the Chesapeake and Ohio Canal Company shall be cast, and that this provision extends not merely to the case when the power of appointment is exercised by the Board independently of all other Stockholders, but also to the case where the State only votes for Directors in common with her co-Stockholders.

Your memorialists find themselves unable to concur in this view. They are advised that the Directors of the Chesapeake and Ohio Canal Company are not among the class of Directors for whose *appointment* the Constitution provides, and that neither in fact nor in law, has the State any *legal power* to *appoint* them. There are, and have been, many corporations in which the State, at the time of subscribing for stock, reserved to itself the right to appoint Directors.

Such is the case of the Baltimore and Ohio, and Philadelphia and Wilmington Railroads, and formerly of the Susquehanna Railroad Companies, and it is to direct one of this class alone that the Constitutional provision was intended to apply. But in the Chesapeake and Ohio Canal Company, the State has no Directors to appoint, nor has she ever pretended to any other power than that of meeting with her co-Stockholders in general meeting, and casting the number of votes belonging to her shares as other Stockholders cast theirs. Her relation to the company is simply that of any other Stockholder, and the Directors, when elected by a majority of the Stockholders, represent not the State but the Corporation. Neither in the original charter, nor in any supplement thereto, has any power at all been conferred on the State to appoint Directors in this Company, and the words "legal power" in the Constitution, meaning power by law, cannot by any latitude of construction be interpreted to confer a power to appoint resulting from the State's being the owner of a majority of stock in the company. A power to appoint is in its very nature altogether inconsistent with the idea of an election shared in by others. The correctness of this view becomes the more apparent when it is borne in mind that should two of the Board of Public Works be present at the general meeting of the Stockholders and fail to concur, so that the vote of the State would not be cast, the minority, according to the provisions of the charter, could elect the Directors. Indeed the provision in the same section which declares that the Directors appointed by the Board of Public Works, shall represent the State in all meet-

ings of the Stockholders, itself demonstrates that the position taken by the Board is untenable, for, if the Directors in this Company, now acting as such, became such by *appointment* from the Board under the constitutional provision relied on, then there is no way by which, without their own consent, they can be ousted from their offices, for the plain reason, that when once appointed, they, and not the Board of Public Works represent the State in all meetings of the Stockholders, and thus representing her, can cast her vote to the perpetuation of their power. The claim to this power of appointment by the Board, conducts them to a necessary logical result which divests them of all power over the subject, and actually disables them from ever appearing on behalf of the State, at any meeting of the Stockholders of the Company.

The only possible escape from this dilemma, is by the concession that the Directors in this Company are not of the class of Directors referred to in the constitutional provision relied on.

Whilst your memorialists have considered it due to themselves to state, thus briefly their own convictions of the entire compatibility of the Act of 1867, with the Constitution of the State, their object in addressing this memorial to your Honorable Body, is not to obtain the judgment of the Convention upon the points of difference which have arisen between the Stockholders of the Canal Company as to the validity of the law, but to ask that the Board may be relieved of all scruples and enabled to execute without a surrender of any constitutional power, a law which they concede to be liable to no objection on the score of its merits.

In presenting this prayer to Your Honorable Body, these memorialists are of course, chiefly moved by a regard to their own especial interest, but, at the same time, it is impossible that their interests can be separated from those of the State. They do not anticipate any difference of opinion in your Honorable Body, as to the inherent evils of the past and present mode of administering the affairs of the Canal Company, nor as to the absolute necessity of an abandonment of that system, unless it shall be determined by common consent, that neither the public nor private interests involved in the work are worthy the attention of the public authorities. That a canal of 185 miles in length, uniting the most extensive and valuable coal fields in the world, with a seaport accessible to vessels of the largest tonnage, and costing now, without any calculation of interest, more than fifteen millions of dollars, should be unable to keep itself in repair and realize an annual gross revenue of two per cent. upon its cost, cannot but be imputed either to some unaccountable want of foresight in

its projection or to a system of management radically defective. It is the settled opinion of the undersigned, whose deep interest in the subject has caused them to give it close attention, that there is no cure for these evils which can be relied on short of such change as will place the work, for a time, substantially under the management of those to whom, by law and by solemn pledges, all its nett revenues must, for many years belong. If, under their administration the trade and revenues of the canal can be so increased, and its expenses so diminished, as to pay off the incumbrances represented by your memorialists, it is obvious that the State of Maryland will become the owner of a work yielding revenue sufficient to relieve her people from a large portion of the present burden of direct taxation. The State was, on the first day of January, 1866, a creditor, (without including its subscription of five millions dollars) of the Canal Company, to an amount exceeding twelve millions of dollars. Until the debt due to the creditors represented by your memorialists shall be paid, no part of the principal or interest of this vast sum can be paid, and your memorialists submit with profound confidence that ample experience has shown that a radical change in the administration of the affairs of the Canal Company must take place before any such auspicious results can be expected.

Impressed with the force of these views, your memorialists respectfully present their grievances to the Sovereign Convention of the people of Maryland, and pray that they will give effect to the just and equitable intentions of the last General Assembly by incorporating in the proposed Constitution a provision whereby the administration of the Chesapeake and Ohio Canal Company will, for a limited period, and with such guards and precautions as the wisdom of the Convention may suggest, be confided to the holders of the preferred bonds or their representatives.

It will of course be the province and duty of the Convention to take care that the influence to which the people of Maryland as the chief patron of this work are justly entitled shall be fully maintained and secured by the proposed measure, under the influence of which, it will be equally the interest and duty of your memorialists to use every possible exertion to return the Canal to the State freed of its heaviest burden and in a condition to continue what its projectors designed it to be, a perpetual source of wealth, prosperity and revenue to the State.

W. W. CORCORAN,
 J. B. H. SMITH,
 GEO. W. RIGGS,
 J. PHILIP ROMAN.

The following message was received from His Excellency, the Executive, per hands of his private secretary, Peter Leary, Esq.:

STATE OF MARYLAND,
EXECUTIVE DEPARTMENT,
Annapolis, June 22, 1867.

Hon. R. B. Carmichael:

President Constitutional Convention:

DEAR SIR:—I have the honor to enclose herewith for the information of the Convention, my correspondence with President Johnson communicating the resolutions of your Honorable Body.

The President, I am gratified to say, will visit Annapolis on or about the 28th, on his return to Washington, unless unavoidably delayed beyond that period, in which event, he will communicate with me by telegraph in time to allow for the necessary arrangements to receive him.

With great respect,

Your obedient servant,

THO. SWANN.

STATE OF MARYLAND,
EXECUTIVE DEPARTMENT,
Annapolis, June 21, 1867.

To His Excellency, Andrew Johnson,

President of the United States:

SIR:—It affords me pleasure to be the organ of communicating the enclosed resolutions, adopted unanimously by the Constitutional Convention now assembled at Annapolis, and to express to you my cordial co-operation in the action of that Body, and my earnest wish that you will afford to the people of Maryland, an opportunity to express to you through their representatives, their appreciation of your patriotic public services and the high regard in which you are held throughout this State.

In presenting to you these resolutions of the Convention, permit me to add, that it will afford me pleasure to extend the hospitalities of the Executive Mansion to such members of your Cabinet and others of your suite as may accompany you, who may feel disposed to honor us by their presence.

With high regard,

I am with great respect,

Yours, truly,

THOMAS SWANN.

RELAY HOUSE, BALT. & OHIO RAIL ROAD.

June, 21, 1867.

DEAR SIR:—I am in receipt of your letter of this date, communicating to me the invitation of the Constitutional Convention of Maryland, to visit Annapolis on my return trip to the city of Washington.

I beg you will convey to those whom you represent on this occasion, my acknowledgments for this cordial invitation to visit the “ancient and honored seat of government of the State of Maryland,” and to inform them that if practicable, I will comply with their request on the 28th inst.

I am very respectfully, yours, &c.,

ANDREW JOHNSON.

To His Excellency,

THOMAS SWANN,

Governor of Maryland.

Which was read.

Mr. Dobbin submitted the following order :

Ordered, That a Committee of three members of the Convention be appointed by the Chair to confer with the Governor and the President of the Convention as to the measures proper to be taken to give an appropriate reception to the President of the United States, on his contemplated visit to the capitol of Maryland ;

Which was adopted,

Whereupon, the President appointed Messrs. Dobbin, Kennedy and Mitchell, said Committee.

The Convention took up for consideration the unfinished business of Friday last ;

Being the report of the Committee upon the Legislative Department ;

Said report being upon a second reading.

The question recurring upon the reading of the first section ;

Which was read.

The 2d, 3d, 4th, 5th and 6th sections were then read.

The Convention then proceeded to the consideration of the 7th section ;

Pending which,

Mr. Gill submitted the following amendment :

Strike out in section 7, from the beginning down to the word "and" inclusive, in second line;

Mr. Alvey submitted the following amendment :

Section 7, strike out the words "or teachers" in first line, and the words "religious creed" in second line, and insert after the word "denomination" in second line, the following: "While he continues in the exercise of his pastoral functions :"

Which was rejected.

Mr. Pleasants submitted the following amendment :

Strike out in the second line the words "or denomination," insert in the first line after the word "gospel," the words "of any denomination," also insert in the first line after the word "or" and before the word "teacher," the word "public," so as to make the section read as follows :

"No minister or preacher of the Gospel of any denomination or public teacher of any religious creed;"

Which was rejected.

Mr. Brewer, of Baltimore city, submitted the following amendment :

Sec. 7. No regularly ordained or licensed clergyman or preacher of the Gospel, of any religious creed or denomination, and no person holding any civil office of profit or trust under this State, except Justices of the Peace, shall be eligible as Senator or Delegate;

Which was rejected.

Mr. Wickes submitted the following amendment :

Strike out in first line all after "Gospel" to word "denomination" in the second line, and insert "if any;"

The section will then read, No minister or preacher of the Gospel of any denomination, or of any religious creed, and no person holding any civil office of profit or trust under this State, except Justices of the Peace, shall be eligible as Senator or Delegate;

Which was rejected.

Mr. Ford submitted the following amendment :

Sec. 7. Strike out the words "or denomination" in line 2 ;

Which was rejected.

Mr. Walsh submitted the following amendment :

Strike out all first line and all second line to word "and," in section 7, and insert "no minister, preacher or public teacher of any religious creed or denomination ;"

Which was rejected.

Mr. George submitted the following amendment :

"No minister or preacher of any religious faith whatever, and no person holding any civil office of profit or trust under this State except Justices of the Peace, shall be eligible as Senator or Delegate ;"

Which was rejected.

The question then recurring upon the amendment submitted by Mr. Gill ;

It was rejected.

Mr. Watkins, of Montgomery, submitted the following amendment :

Sec. 7. Strike out all of line 1, and down to the word "and," in line 2, and insert "no public minister, whose business it is to preach the Gospel ;"

Which was rejected.

Mr. Maulsby submitted the following amendment :

Sec. 7. Strike out the word "teacher," in first line ;"

Which was adopted.

The section as amended, was then read.

The 8th, 9th and 10th Sections were then read.

Mr. Marbury moved to reconsider the vote by which the 10th Section had been ordered to a second reading ;

Decided in the negative.

The Convention then proceeded to the consideration of the 11th Section,

Pending which,

Mr. Watkins, of Montgomery, submitted the following amendment :

Sec. 11, line 10, after the word "day," insert "the pay of the officers of the two Houses shall not exceed the per diem and mileage of members."

Mr. Silver submitted the following amendment :

Sec. 11, line 10, after the word "day," insert "and the

Chief Clerk, two dollars per day additional, but no other officer or employee shall receive any additional compensation whatever :”

Which was rejected.

The question then recurring upon the amendment submitted by Mr. Watkins,

It was rejected.

Mr. John Parran submitted the following amendment :

Sec. 11, line 3, strike out the words “ninety days,” and insert “eighty days ;”

Which was rejected.

Mr. Rennolds submitted the following amendment :

Sec. 11. Strike out all after the words “per diem,” in the 4th line, to the word “and,” in the 7th line ;

Which was rejected.

Mr. C. S. Parran submitted the following amendment :
Sec. 11. After the word “nicle” in 8th line, insert the words : “and shall receive no perquisites or other compensation whatever,”

Which was rejected.

The 11th and 12th sections were then read ;

Pending the reading of the 13th section,

Mr. Maulsby submitted the following amendment :

Strike out all after the word “term,” in fifth line,

Which was adopted.

Mr. Groome moved to strike out the whole section ;

Decided in the negative.

The section, as amended, was then read.

The 14th, 15th, 16th, 17th, 18th and 19th sections were then read,

Pending the reading of the 20th section,

Mr. Longwell submitted the following amendment :

LEGISLATIVE DEPARTMENT.

Amend section 20 by adding at the end thereof, “and with a view to the more certain prevention or correction of abuses of the expenditures of the money of the State, the General Assembly shall create, at every session thereof, a Joint Stand-

ing Committee of the Senate and House of Delegates, who shall have power to send for persons and examine them on oath, and call for public official papers and records, and whose duty it shall be to examine and report upon all contracts made for printing, stationery and purchases for public offices and the Library, and all appurtenances therein, and upon all matters of alleged abuse in expenditures to which their attention may be called by resolution of either House of the General Assembly."

Which was adopted.

The section as amended was then read.

The 21st, and 22d sections were then read.

Pending the reading of the 23d section ;

Mr. Jones submitted the following amendment :

Add at end of section 23, "and no bill shall be read a third time until it shall have been actually engrossed,"

Which was adopted.

Mr. Dobbin, Chairman of the Select Committee, (by unanimous consent,) submitted the following

REPORT:

To the Honorable, the Convention of Maryland :

The Committee appointed on behalf of the Convention to confer with his Excellency the Governor, and the President of the Convention, as to the measures proper to be taken to give an appropriate reception to the President of the United States, on his contemplated visit to the Capitol of Maryland. beg leave to report that they have had the proposed conference, at which it was agreed that it would be proper that a Committee from the Convention, consisting of one member from each county and one from each Legislative District of the city of Baltimore, should be appointed to meet the President at the city of Baltimore, and conduct him to Annapolis, and they recommend that the counties and Districts of Baltimore shall respectively appoint their representations on said Committee.

GEORGE W. DOBBIN,
W. MITCHELL,
ANTHONY KENNEDY.

Which was unanimously adopted.

Mr. Page, (by unanimous consent,) presented the remonstrance of sixty-eight citizens of Somerset county, residing

within the limits of the proposed new county, protesting against the formation of said new county.

Mr. Tarr, of Worcester, (by unanimous consent) presented the petition of Wm. Magrath, William Grunby and 118 others, praying the formation of a new county out of portions of Somerset and Worcester counties.

Which were severally read, and referred to the Committee upon that Subject.

Mr. Hodson (by unanimous consent,) submitted the following :

ANNAPOLIS, June 25, 1867.

To the Honorable Members of the Constitutional Convention :

Not having visited my family since the meeting of the Convention, I most respectfully ask permission to do so.

Very respectfully,

EDWARD A. MARSHALL.

Which was read.

Also the following order :

Ordered, That Edward A. Marshall, be granted leave of absence until after the 4th of July, to visit his family ;

Which was adopted.

On motion of Mr. Barry,

At 3 o'clock, P. M., the Convention adjourned.

WEDNESDAY, June 26, 1867.

The Convention met.

Prayer by the Rev. Mr. Henderson.

Present at the call of the roll the following members :

Messrs. Carmichael, (President,) Alvey, Barnes, Barry, Bateman, Bell, Brewer, of Baltimore city, Brewer, of Montgomery, Brooke, Brown, Buchanan, Carter, Cunningham, Denson, Dent, Devries, Dobbin, Dorsey, Duvall, Emack, Evans, Ferry, Finley, Flaherty, Ford, Franck, Franklin, Galt, Garey, Giddings, Gill, Goldsborough, of Dorchester,

Goldsborough, of Talbot, Groome, Hall, Hardcastle, Hayden, Hoblitzell, Hodson, Horsey, of Frederick, Horsey, of Somerset, Howison, Ireland, Jamison, Janvier, Johnson, Jones, Keating, Kennedy, Kilbourn, Lee, Longwell, Mac-kubin, Manro, Marbury, Massey, Maulsby, McCormick, McKaig, McMaster, Merrick, Merryman, Mitchell, Morris, Motter, Murray, Nelson, Page, Parker, C. S. Parran, John Parran, Perry, Peters, Pleasants, Pole, Rennolds, Rider, Riggs, Ringgold, Ritchie, Rogers, Roman, Silver, Spates, Stoddert, Syester, Tarr, of Caroline, Tarr, of Worcester, Thomas, Vansant, Walsh, Watkins, of Caroline, Watkins, of Montgomery, Wethered, Wickes, Wilkinson.—96.

The proceedings of yesterday were read and approved.

The President laid before the Convention the following :

CONSTITUTIONAL CONVENTION,

STATE OF NEW YORK,

ALBANY, N. Y., *June 21, 1867.*

Resolved, That the proposition of the Constitutional Convention of the State of Michigan, now in session, to exchange ten copies of the Journal, Debates and Proceedings of that Convention for a like number of the Journal, Debates and Proceedings of this Convention, be, and the same is hereby accepted ; and that the Secretary of this Convention be instructed to cause the said number of copies to be regularly transmitted to the State Librarian of the State of Michigan ; and the same number of copies to the Constitutional Convention of Maryland, with a request that it send us a like number of their Journal, Debates and Proceedings.

By order of the Convention,

LUTHER CALDWELL,

Secretary.

Which was read,

Mr. Ritchie, (by unanimous consent) submitted the following order :

Ordered, That the Convention cordially respond to the proposal made by the Constitutional Convention of the State of New York, for an exchange of Journal, Debates and Proceedings, and that the Secretary be instructed to send regularly to that Convention ten copies of the Journal of Proceedings of this body, and also, to communicate the fact that this Convention has not provided for the publication of its Debates, and, therefore, cannot comply with the proposed exchange in that particular ;

Which was adopted.

Mr. Page presented the remonstrance of fifty citizens of Somerset county, against the formation of the proposed new county out of parts of Somerset and Worcester counties, and residing within the limits of said new county ;

Which was read, and,

On motion of Mr. Page ;

Referred to the Select Committee upon that subject.

Mr. Tarr, of Worcester, submitted the following order :

Ordered, That when this Convention adjourns on Friday next, it stands adjourned until Tuesday, July 9th.

Which was read and laid over informally.

Mr. Dobbin, Chairman of the Committee upon the Judiciary Department submitted the following

REPORT OF THE COMMITTEE UPON THE JUDICIARY DEPARTMENT.

JUDICIARY DEPARTMENT.—PART I.—GENERAL PROVISIONS.

Section 1. The Judicial power of this State shall be vested in a Court of Appeals, Circuit Courts, Orphans' Courts, such Courts for the city of Baltimore as are hereinafter provided for, and Justices of the Peace; all said Courts shall be Courts of Record, and each shall have a seal to be used in the authentication of all process issuing from them. The process and official character of Justices of the Peace shall be authenticated as hath heretofore been practiced in this State, or may hereafter be prescribed by law.

Sec. 2. The Judges of all of the said Courts shall be citizens of the State of Maryland, and qualified voters thereof, and shall have resided therein not less than five years, and not less than one year next preceding their election or appointment in the Judicial Circuit, as the case may be, for which they may be respectively elected or appointed. They shall be not less than thirty years of age at the time of their election or appointment, and shall be selected from those who have been admitted to practice law in this State, and who are most distinguished for integrity, wisdom and sound legal knowledge.

Sec. 3. The Judges of the said several Courts shall be elected by the qualified voters in their respective Judicial Circuits as hereinafter provided, at the General election to be held on the Tuesday after the first Monday in November next. Each of the said Judges shall hold his office during

good behavior. In case of inability of any of said Judges to discharge their duties with efficiency by reason of continued sickness or of physical or mental infirmity, it shall be in the power of the General Assembly, two-thirds of the members of each house concurring, with the approval of the Governor, to retire said Judge from office.

Sec. 4. Any Judge shall be removed from office by the Governor on conviction in a Court of Law, of incompetency, of willful neglect of duty, misbehavior in office, or any other crime, or on impeachment according to this Constitution or the laws of the State; or on the address of the General Assembly, two thirds of each House concurring in such address, and the accused having been notified of the charges against him, and having had opportunity of making his defence.

Sec. 5. After the election for Judges to be held as above mentioned, in case of the death, resignation, removal, or other disqualification of any Judge, the Governor, by and with the advice and consent of the Senate shall appoint a person duly qualified to fill said office, who shall hold the same until the next general election for members of the General Assembly, when a successor shall be elected whose tenure of office shall be during good behavior.

Sec. 6. All Judges shall, by virtue of their offices, be conservators of the peace throughout the State, and no fees or perquisites, commission or reward of any kind shall be allowed to any Judge in this State, besides his annual salary, for the discharge of any judicial duty.

Sec. 7. No Judge shall sit in any case wherein he may be interested, or where either of the parties may be connected with him by affinity or consanguinity within such degrees as now are, or may hereafter be, prescribed by law, or where he shall have been of counsel in the case.

Sec. 8. The parties to any cause may submit the same to the court for determination without the aid of a jury; and the Judge or Judges of any Court of this State, except the Court of Appeals, shall order and direct the record of proceedings in any suit or action, issue or petition, presentment or indictment pending in such Court, to be transmitted to some other Court having jurisdiction in such cases, whenever any party to such cause, or the counsel of any party, shall make it satisfactorily appear to the Court, by affidavit or other proper evidence, that the party cannot have a fair and impartial trial in the Court in which suit or action, issue or petition, presentment or indictment is pending; and the General Assembly shall make such modifications of existing law as may be necessary to regulate and give force to this provision.

Sec. 9. The Judge or Judges of any Court may appoint such officers for their respective Courts as may be found necessary, and it shall be the duty of the General Assembly to prescribe by law a fixed compensation for all such officers.

Sec. 10. The Clerks of the several Courts created or continued by this Constitution, shall have charge and custody of the records and other papers, shall perform all the duties, and be allowed the fees, which appertain to their several offices, as the same now are, or may hereafter be regulated by law. And the office and business of said Clerks, in all their departments, shall be subject to the visitatorial power of the Judges of their respective Courts, who shall exercise the same from time to time, so as to insure the faithful performance of the duties of said Officers; and it shall be the duty of the Judges of said Courts respectively to make from time to time such rules and regulations as may be necessary and proper for the government of said Clerks and for the performance of the duties of their offices, which shall have the force of law until repealed or modified by the General Assembly.

Sec. 11. The election for Judges hereinbefore provided, and all elections for Clerks, Registers of Wills and other officers provided in the Constitution, except State Attorneys, shall be certified, and the returns made, by the Clerks of the Circuit Courts of the counties, and the proper Clerk of the "Supreme Court of Baltimore City," respectively, to the Governor, who shall issue commissions to the different persons for the offices to which they shall have been respectively elected; and in all such elections, the person having the greatest number of votes, shall be declared to be elected.

Sec. 12. If in any case of election for Judges, Clerks of the Courts of Law, and Registers of Wills, the opposing candidates shall have an equal number of votes, it shall be the duty of the Governor to order a new election; and in case of any contested election, the Governor shall send the returns to the House of Delegates, who shall judge of the election and qualification of the candidates at such election.

Sec. 13. All public commissions and grants shall run thus: "The State of Maryland, &c.," and shall be signed by the Governor, with the seal of the State annexed and; all writ and process shall run in the same style, and be tested, sealed and signed as heretofore, or as may hereafter be provided by law; and all indictments shall conclude, "against the peace, government and dignity of the State."

PART II—COURT OF APPEALS.

Sec. 14. The Court of Appeals shall be composed of the Chief Judges of the several Judicial Circuits of the State

one of whom shall be designated by the Governor, by and with the advice and consent of the Senate, as the Chief Judge. And in all cases, until action by the Senate can be had, the Judge so designated by the Governor shall act as Chief Judge. And the jurisdiction of said Court shall be co-extensive with the limits of the State, and such as now is or may hereafter be prescribed by law. It shall hold its sessions in the City of Annapolis, on the first Monday in April, and the first Monday in October, of each and every year, or at such other times as the General Assembly may by law direct. Its sessions shall continue not less than ten months in the year, if the business before it shall so require, and it shall be competent for the Judges temporarily, to transfer their sittings elsewhere, upon sufficient cause.

Sec. 15. Four of said Judges shall constitute a quorum ; no cause shall be decided without the concurrence of at least three, but the Judge who heard the cause below, shall not participate in the decision ; in every case an opinion in writing shall be filed within three months after the argument or submission of the cause, and the judgment of the Court shall be final and conclusive ; and all cases shall stand for hearing at the first term after the transmission of the record.

Sec. 16. Provision shall be made by law for publishing reports of all causes argued and determined in the Court of Appeals, which the Judges shall designate as proper for publication.

Sec. 17. The Court of Appeals shall appoint its own Clerk, who shall hold his office for six years, and may be re-appointed at the end thereof ; he shall be subject to removal by the said Court for incompetency, neglect of duty, misdemeanor in office, or such other cause or causes as may be prescribed by law.

PART III—CIRCUIT COURTS.

Sec. 18. The State shall be divided into eight Judicial Circuits, in manner following, viz : the counties of Worcester, Somerset, Dorchester and Caroline, shall constitute the First Circuit ; the counties of Talbot, Queen Anne's, Kent and Cecil, the Second ; the counties of Baltimore and Harford, the Third ; the counties of Allegany and Washington, the Fourth ; the counties of Carroll, Howard and Anne Arundel, the Fifth ; the counties of Montgomery and Frederick, the Sixth ; the counties of Prince George's, Charles, Calvert and St. Mary's, the Seventh ; and Baltimore City, the Eighth.

Sec. 19. A Court shall be held in each County of the State ; to be styled the Circuit Court for the County in

which it may be held. The said Circuit Courts shall have and exercise in the respective counties all the power, authority and jurisdiction, original and appellate, which the present Circuit Courts of this State now have and exercise, or which may hereafter be prescribed by law.

Sec. 20. For each of the said Circuits (excepting the 8th,) there shall be a Chief Judge and two Associate Judges, to be styled Judges of the Circuit Court, to be elected or appointed as herein provided. And no two of said Associate Judges shall at the time of their election or appointment, or during the term for which they may have been elected or appointed, reside in the same county. If two or more persons shall be candidates for Associate Judge in the same county, that one only in said county shall be declared elected who has the highest number of votes in the Circuit. In case any two candidates for Associate Judge residing in the same county, shall have an equal number of votes, greater than any other candidate for Associate Judge in the Circuit, it shall be the duty of the Governor to order a new election for one Associate Judge; but the person residing in any other county of the Circuit, and who has the next highest number of votes shall be declared elected. The said Judges shall hold a term of the Circuit Court in each of the counties composing their respective Circuits, at such time or times as now are, or may hereafter be fixed by law, such terms not to be less than two in each year. One Judge in each of the above Circuits, shall constitute a quorum for the transaction of any business; and the said Judges, or any of them, may hold Special Terms of their Courts, whenever, in their discretion, the business of the several counties renders such terms necessary.

Sec. 21. The Judges of the respective Circuit Courts of this State, and of the Courts of Baltimore City, shall render their decisions in all cases argued before them, or submitted for their judgment, within two months after the same shall have been so argued or submitted.

Sec. 22. The salary of each Chief Judge shall be five thousand dollars, and of each Associate Judge of the Circuit Court, shall be three thousand and five hundred dollars per annum, payable quarterly, and shall not be diminished during his continuance in office.

Sec. 23. There shall be a Clerk of the Circuit Court for each county, who shall be elected by a plurality of the qualified voters of said county, and shall hold his office for six years from the time of his election, and until his successor is elected and qualified, and be re-eligible, subject to be removed for wilful neglect of duty, or other misdemeanor in office, on conviction in a Court of law; in case of a vacancy

in the office of Clerk of a Circuit Court, the Judges of said Court shall have power to fill such vacancy until the general election for Delegates to the General Assembly to be held next thereafter, when a successor shall be elected.

Sec. 24. The compensation of each of the said Clerks shall not exceed three thousand dollars per year, payable out of the fees of their respective offices, and they shall have no other perquisites or compensation; they shall appoint, subject to the confirmation of the Judges of their respective Courts, as many deputies under them as the said Judges shall deem necessary to perform, together with themselves the duties of the said office, who shall be removable by the said Judges for incompetency or neglect of duty, and whose compensation shall be according to existing or future provisions of the General Assembly.

PART IV—COURTS OF BALTIMORE CITY.

Sec. 25. There shall be in the eighth Judicial Circuit, one Court to be styled "The Supreme Court of Baltimore City," which shall consist of one Chief Justice and five Associate Judges, who shall be elected by the legal and qualified voters of said city at the election hereinbefore provided, and shall each hold his office subject to the provisions of this Constitution with regard to the election, and qualification of Judges, and their tenure of, and removal from office; and each of the said Judges shall receive an annual salary of five thousand dollars, payable quarterly, which salary shall not be diminished during their term of office.

Sec. 26. "The Supreme Court of Baltimore City," and each of the Judges thereof, shall have all the rights, powers and jurisdiction of the Superior Court of Baltimore city, the Court of Common Pleas, Baltimore City Court, the Circuit Court of Baltimore City, the Criminal Court of Baltimore City, and the Orphans' Court of Baltimore City.

Sec. 27. It shall be the duty of the said "Supreme Court of Baltimore City," as soon as the Judges thereof shall be elected and officially qualified, and from time to time as they may deem necessary, to provide for the holding of as many Courts as the performance of its duties may require, and for the distribution of its business among said Courts; the said "Supreme Court of Baltimore City," may assign any one or more of the said Judges, to any one of the said Courts, and may from time to time change said assignment and distribution of business, as circumstances may require; and each Judge, or the said Judges, so assigned, in holding any of the said Courts, shall have all the powers of the said "Supreme Court of Baltimore City," and the said "Supreme Court of

Baltimore City," shall provide for the holding of as many general and special terms as the performance of its duties may require, the general terms to be held by not less than three Judges, and the special terms by one or more Judges; but the said general and special terms may at all times be regulated and controlled by the General Assembly.

Sec. 28. It shall be the duty of the said "Supreme Court of Baltimore City," in case of the sickness, absence or disability of any Judge or Judges assigned as aforesaid, to provide for the hearing of the cases, or transaction of the business, assigned to said Judge or Judges as aforesaid, before some other one or more of the Judges of the said Court.

Sec. 29. The said "Supreme Court of Baltimore City," shall have power to make all needful rules for the conduct of business in the said Court or Courts during the general and special terms thereof, and in vacation, or in chambers before any of the said Judges; and shall provide rules for the granting, hearing and determination of motions for a new trial, either upon questions of fact, or for misdirection upon matters of law, or upon motions in arrest of judgment, or upon any matters of law by the said Judge or Judges determined.

Sec. 30. No appeal shall lie from a special to a general term in any case heard upon appeal from a Justice of the Peace, but the decision thereof in special term shall be final. In cases in equity and in common law cases where the matter in dispute exclusive of costs is above one hundred dollars, an appeal shall lie from the said Court to the Court of Appeals; In criminal cases, a writ of error shall lie, as now accustomed, or hereafter may be allowed by law, in cases proper for such writ, from a special to a general term, and the judgment of the Court in general term shall be final, unless the Court in general term shall think the safety of the citizen and the just, equal and uniform interpretation of the criminal laws of the State, shall require that a further appeal shall be allowed to the Court of Appeals, when the same shall be allowed.

Sec. 31. All causes depending at the adoption of this Constitution, in the several Courts of Baltimore City, whose jurisdiction is by this article transferred to the "Supreme Court of Baltimore City," shall be proceeded in and prosecuted to final judgment or decree in the said "Supreme Court of Baltimore City," as though the jurisdiction had not been changed.

Sec. 32. There shall be four Clerks for the "Supreme Court of Baltimore City," who shall be elected by the legal and qualified voters of the said city, and shall hold their offices

for six years, and until their successors are elected and qualified, and be re-eligible thereto, subject to be removed for wilful neglect of duty, or other misdemeanor in office, on conviction in a Court of Law ; In case of a vacancy in the office of Clerk of the said "Supreme Court of Baltimore City," the said Court shall have power to fill such vacancy until the general election for Delegates to the General Assembly to be held next thereafter, when a Clerk of said Court shall be elected to serve for six years thereafter.

Sec. 33. The said Clerks of the Supreme Court of Baltimore city, shall have all the rights and powers, and perform all the duties of the Clerks of the Superior Court of Baltimore City, of the Court of Common Pleas, of the Baltimore City Court, the Circuit Court of Baltimore City and the Criminal Court of Baltimore City, and take into their care and keeping, as so assigned to them respectively, all the books, papers and property of the said several Clerks and their offices, and be subject to all the duties and restrictions imposed on said officers, so far as the same are applicable. The salary of the said Clerks shall be three thousand five hundred dollars per year, payable quarterly out of the fees of their office, and they shall be entitled to no other perquisites or compensation. They shall appoint, subject to removal by the said "Supreme Court of Baltimore City" for incompetency, neglect of duty or misdemeanor in office, as many deputies under them, as the said Court shall deem necessary to perform, together with themselves, the duties of the said office, the amount and mode of whose compensation shall be according to existing or future provisions of the General Assembly.

Sec. 34. The said Clerks of the "Supreme Court of Baltimore City" shall, until further provision be made by law upon the subject, respectively give bond, with surety or sureties to the State of Maryland in such penalty as may be prescribed by said Court, not exceeding in each case the sum of one hundred and fifty thousand dollars, to be approved by the said "Supreme Court of Baltimore City," for the faithful performance of all the duties of their respective offices, and for their faithfully accounting for, and paying over to the proper person or persons, or authority, all monies which they may respectively be by law, or the duties of their office as such Clerk, or by the orders of said Court, required to receive, account for, or pay over.

Sec. 35. The General Assembly shall, whenever it may think the same proper and expedient, provide by law for the election of an additional Judge for the "Supreme Court of Baltimore City," who shall be subject to the same constitutional provisions, hold his office for the same time, and receive the same compensation as the Judges of the said "Su-

preme Court of Baltimore City ;'' and immediately after the said additional Judge shall have qualified, the said Court shall so re-apportion the business of said Court as to promote the most efficient dispatch thereof.

PART V.—ORPHANS' COURTS.

Sec. 36. There shall be an Orphans' Court in the city of Baltimore, and in each of the counties of this State, to be held in the case of the city of Baltimore, by one of the Judges of the "Supreme Court of Baltimore City" assigned thereto, and in the case of the counties by the Judges of the respective Circuit Courts as follows: The Associate Judge of the Circuit Court shall be the Judge of the Orphans' Court of the county in which he resides, and when the Circuit is composed of three or more counties, in one or more of which no Associate Judge shall reside, one of said Associates shall be assigned thereto by the Judges of said Circuit, who shall be the Judge of the Orphans' Court of said county or counties, and each Judge of the Orphans' Court of a county shall hold terms of his Court in said county at such time or times as he may think the business of said Court may require, or as the General Assembly may direct; *provided*, such terms shall never be less than four in in each year, and in case any Judge of the Orphans' Court shall be disqualified or unable to sit in any cause pending in such Court, any Judge of the same Circuit assigned thereto by the Judges of the Circuit, may hear and determine the same in the place of such disqualified Judge. All the acts of the said Judges in said Courts shall be done in the name of the Orphans' Court of said city and county respectively, and when required, shall be so certified.

Sec. 37. The Orphans' Courts shall have all the powers now vested by law in the Orphans' Courts of this State, except the power to decree sales of real estate, subject to such changes as the General Assembly may prescribe, and shall also have power to review and correct all proceedings of the Register of Wills and such other jurisdiction as may from time to time be provided by law.

Sec. 38. There shall be a Register of Wills in each county of the State and in the city of Baltimore, to be elected by the legal and qualified voters of said counties and city respectively, who shall hold his office for six years from the time of his election, and until his successor is elected and qualified; he shall be re-eligible and subject at all times to removal for willful neglect of duty or misdemeanor in office, on conviction in a Court of law; his office shall be subject to the visitatorial power of the Judge of the Court sitting in said city or county as the Orphans' Court, who may make all needful rules and regulations for the conduct and management of the

business of said office. In the event of any vacancy in the office of Register of Wills, said vacancy shall be filled by the Judges of the Circuit Courts, or of the "Supreme Court of Baltimore City," as the case may be, until the next general election for county officers, when a Register shall be elected to serve for six years thereafter. The Register of Wills shall perform all the duties pertaining to his office which are now or may be hereafter prescribed by law; and in the absence of the Judge shall have and exercise all the powers vested in the Orphans' Court, subject to such rules and regulations as the Judge of such Court may prescribe; and shall also have such other powers and duties, and be subject to such changes as the General Assembly may from time to time prescribe; *provided, however*, that it shall be the duty of the said Register in any suit, cause, action or proceedings before him, upon the motion of either party, to reserve the case before him for trial and decision by the Judge of said Court.

PART VI.—JUSTICES OF THE PEACE.

Sec. 39. The Governor, by and with the advice and consent of the Senate, shall appoint such number of Justices of the Peace, and the County Commissioners of the several counties, and the Mayor and City Council of Baltimore, shall appoint such number of constables, for the several Election Districts of the counties and wards of the city of Baltimore, as are now or may hereafter be prescribed by law; and Justices of the Peace and Constables so appointed, shall be subject to removal by the Judge or Judges having criminal jurisdiction in the county or city for incompetency, willful neglect of duty or misdemeanor in office, on conviction in a Court of law. The Justices of the Peace and Constables so appointed and commissioned shall be conservators of the peace, shall hold their office for two years, and shall have such jurisdiction, duties and compensation, subject to such right of appeal, in all cases, from the judgment of Justices of the Peace, as hath been heretofore exercised, or shall be hereafter prescribed by law.

Sec. 40. In the event of a vacancy in the office of a Justice of the Peace, the Governor shall appoint a person to serve as Justice of the Peace for the residue of the term, and in case of a vacancy in the office of Constable, the County Commissioners of the county in which the vacancy occurs, or the Mayor and City Council of Baltimore, as the case may be, shall appoint a person to serve as Constable for the residue of the term.

PART VII.—SHERIFFS.

Sec. 41. There shall be elected in each county, and in the City of Baltimore, in every fourth year, one person, resident

in said county or city, above the age of twenty-five years, and at least five years preceeding his election, a citizen of this State, to the office of Sheriff. He shall hold his office for four years, and until his successor is duly elected and qualified; shall be ineligible for four years thereafter, shall give such bond, exercise such powers, and perform such duties as now are or may hereafter be fixed by law. In case of a vacancy by death, refusal to serve, or neglect to qualify or give bond, or by disqualification or removal from the county or city, the Governor shall appoint a person to be Sheriff for the remainder of the official term.

Sec. 42. Coroners, Elisors and Notaries Public may be appointed for each county and the City of Baltimore, in the manner, for the purposes, and with the powers now fixed, or which may hereafter be prescribed by law.

Which was read a first time.

The Convention then took up for consideration the unfinished business of yesterday,

Being the report of the Committee upon the Legislative Department,

Said report being upon a second reading ;

The question recurring upon the consideration of the 23d section ;

Pending which,

Mr. Dent submitted the following amendment :

Sec. 23. Strike out all after the word "session," in 4th line, down to the word "nays," (inclusive) in 7th line, and insert: "unless two-thirds of the members elected thereto, shall so determine by yeas and nays; nor shall any bill become a law, until it be read on three different days of the session in each House ;"

Which was adopted.

The 23d section as amended, was then read.

The 24th section was then read ;

Pending the reading of the 25th section,

Mr. Horsey of Frederick, submitted the following amendment :

Sec. 25: Insert after the word "only," in 6th line "nor shall any law be construed by reason of its title to grant powers or confer rights which are not expressly contained in the body of the Act ;"

Which was adopted.

The 25th section as amended, was then read ;

Pending the reading of the 26th section,

Mr. Page submitted the following amendment :

Sec. 26. Strike out all down to the word "Delegates," (inclusive) in the 4th line, and also, the word "law," in said line, and insert after the word "every," the word "bill, where it shall have become a law according to this Constitution ;"

Mr. Peters submitted the following amendment :

Insert after the word "who," in line 2 the words, "if he approve ;"

Which was rejected.

On motion of Mr. Dent ;

The further consideration of the 26th section was informally postponed.

Pending the reading of the 27th section,

Mr. Walsh submitted the following amendment :

Sec. 27. Strike out all after the word "therein," in the 3d line ;

Which was adopted.

Mr. Gill moved to postpone informally, the further consideration of the section ;

Decided in the negative.

Mr. Hayden submitted the following amendment :

Sec. 27. Add at the end of section, the following :

"But no penal law shall be passed to take effect until after its publication ;"

Which was rejected.

The section as amended, was then read.

The 28th section was then read,

Pending the reading of the 29th section,

Mr. Merryman submitted the following amendment :

Sec. 29. Line 6, strike out the words "giving effect to informal or invalid deeds or wills ;"

Which was rejected.

The section was then read,

Pending the reading of the 30th section.

Mr. Syester submitted the following amendment:

Sec. 30, line 19, after the word "of," and before the word "hundred," strike out the word "three," and insert the word "eight" (8),

Pending the consideration of which,

The question recurring upon the adoption of the amendment,

Mr. Hayden demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows:

AFFIRMATIVE.

Messrs.	Hoblitzell,	Parran, John,
Barnes,	Howison,	Peters,
Brewer, Bal. City.	Ireland,	Rennolds,
Carter,	Jamison,	Ritchie,
Denson,	Kilbourn,	Roman,
Dent,	Lee,	Spates,
Devries,	Mackubin,	Stoddert,
Dobbin,	Marbury,	Syester,
Emack,	McKaig,	Tarr, of Worc'r,
Flaherty,	Merryman,	Vansant,
Ford,	Mitchell,	Walsh,
Garey,	Motter,	Wethered,
Giddings,	Parran, S.C.	Wilkinson.—38.

NEGATIVE.

Messrs.	Groome,	Merrick,
Carmichael, Pr't.	Hall,	Morris,
Barry,	Hardcastle,	Murray,
Bateman,	Hayden,	Nelson,
Bell,	Henderson,	Page,
Brewer, of Mot'y,	Hodson,	Parker,
Brown,	Horsey, of Fred'k,	Perry,
Buchanan,	Horsey, of Som.,	Pleasants,
Cunningham,	Janvier,	Pole,
Dorsey,	Johnson,	Rider,
Duvall,	Jones,	Riggs,
Evans,	Keating,	Ringgold,
Ferry,	Kennedy,	Rogers,
Finley,	Longwell,	Silver,
Franck,	Manro,	Tarr, of Caroline.
Franklin,	Massey,	Thomas,
Galt,	Maulsby,	Watkins, of Car.,
Gill,	McCormick,	Watkins, of Mo'y
Goldsborough, D.	McMaster,	Wickes—57.
Goldsborough, T.		

So the amendment submitted by Mr. Syester was rejected.

Mr. McKaig submitted the following amendment :

Sec. 30, line 19, strike out the word "three," before the word "hundred," and insert the word "five" (5),

Which was adopted.

Mr. Horsey, of Frederick, submitted the following amendment:

Sec. 30, line 19, insert after the word, "dollars," and the payment thereof shall be provided for as hereinbefore directed in this section, by the levying of an annual tax,

Which was rejected.

Mr. Jones submitted the following amendment:

Sec. 30. After the word "State" in 17th line, insert, "and in aid of the construction of the Railroad through the Eastern Shore counties of this State, from Elkton, in Cecil County, to connect with the Eastern Shore Railroad in Somerset County," and in 19th line after the word "dollars," insert "to such improvements in said counties of St. Mary's, Charles, and Calvert, and three hundred thousand dollars to the said Railroad from Elkton to connect with the said Eastern Shore Railroad."

Mr. Johnson submitted the following amendment to the amendment:

And that the Legislature may appropriate the sum of three hundred thousand dollars to assist in the building of the railroad from Frederick City to Littlestown.

Mr. Tarr, of Worcester, moved that the Convention do now adjourn,

Decided in the negative.

Mr. Maulsby demanded the previous question,

On motion of Mr. Rider,

The Convention at 3 o'clock, P. M., adjourned.

THURSDAY, June 27, 1867.

The Convention met ;

Prayer by the Rev. Mr. Burke.

Present at the call of the roll the following members :

Messrs. Carmichael, (President,) Archer, Barnes, Barry, Bateman, Bell, Brewer, of Baltimore city, Brewer, of Montgomery, Brown, Buchanan, Carter, Cunningham, Denson, Devries, Dobbin, Dorsey, Duvall, Emack, Evans, Farnandis, Ferry, Finley, Ford, Franck, Franklin, Galt, George, Giddings, Gill, Goldsborough, of Dorchester, Goldsborough, of Talbot, Groome, Hall, Hardeastle, Hayden, Henderson, Hoblitzell, Hodson, Horsey, of Frederick, Horsey, of Somerset, Howison, Ireland, Jamison, Johnson, Jones, Keating, Kennedy, Lee, Mackubin, Manro, Marbury, Massey, Maulsby, McCormick, McKaig, McMaster, McPherson, Merrick, Merriyman, Mitchell, Morris, Motter, Murry, Nelson, Page, Parker, Charles S. Parran, John Parran, Perry, Peters, Pleasants, Pole, Rennolds, Rider, Riggs, Ringgold, Ritchie, Roman, Silver, Spates, Stoddert, Syester, Tarr, of Caroline, Tarr, of Worcester, Thomas, Vansant, Wallace, Walsh, Watkins, of Caroline, Watkins, of Montgomery, Wethered, Wickes, Wilkinson, Whitman—93.

The proceedings of yesterday were read and approved.

Mr. Maulsby submitted the following order :

Ordered, That when the Convention adjourn to-day, it shall be to 8 o'clock this evening ; and that hereafter there shall be two sessions every day, except Sunday, at 10 o'clock, A. M., and 8 o'clock, P. M., until the business of the Convention shall be disposed of.

Mr. John Parran submitted the following amendment :

Strike out the word "ten," and insert the word "nine ;"

Mr. Nelson submitted the following amendment :

Strike out the word "eight," before the words "o'clock, P. M.," and insert the word "ten ;"

Which was rejected.

Mr. Denson moved to lay the whole subject on the table.

The question recurring upon sustaining the motion submitted by Mr. Denson ;

Mr. Maulsby demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Goldsborough, D.	Page,
Archer,	Henderson,	Parker,
Barnes,	Hoblitzell,	Parran, C. S.,
Barry,	Hodson,	Perry,
Brewer, of B. city,	Horse, of Som.,	Peters,
Buchanan,	Ireland,	Rennolds,
Cunningham,	Jamison,	Rider,
Dent,	Jones,	Silver,
Devries,	Keating,	Spates,
Duvall,	Kennedy,	Stoddert,
Emack,	Marbury,	Tarr, of Wor.,
Evans,	Massey,	Vansant,
Farnandis,	McKaig,	Walsh,
Ferry,	Merrick,	Watkins, of Car.,
Ford,	Merryman,	Watkins, M.
Franck,	Mitchell,	Wethered,
George,	Morris,	Whitman—50.

NEGATIVE.

Messrs.	Gill,	Motter,
Carmichael, P't	Goldsborough, T.	Murray,
Bateman,	Groome,	Nelson,
Bell,	Hall,	Parran, John
Brewer, of Mont.,	Hayden,	Pleasants,
Brown,	Horse, of Fred.,	Pole,
Carter,	Howison,	Riggs,
Chambers,	Johnson,	Ringgold
Denson,	Lee,	Ritchie,
Dobbin,	Mackubin,	Roman,
Dorsey,	Manro,	Syester,
Finley,	Maulsby,	Tarr, of Caroline,
Franklin,	McCormick,	Thomas,
Galt,	McMaster	Wallace,
Giddings,	McPherson,	Wickes—44.

So the motion submitted by Mr. Denson prevailed, and the whole subject was laid on the table.

Mr. Carter submitted the following order :

Ordered, That on and after Friday, June 28th, the hour of meeting of the Convention shall be 9 o'clock, A. M. ;

Which was rejected.

Mr. McMaster submitted the following order :

Ordered, That it be entered on the Journal that Geo. W. Covington, of Worcester county, is detained from his seat by indisposition ;

Which was adopted.

Mr. Carter submitted the following order :

Ordered, That the hour of meeting of the Convention on and after Friday 28th inst. shall be 9-30. A. M., which,

On motion of Mr. Merryman ;

Was laid on the table.

Mr. Maulsby, Chairman Committee respecting future amendments to the Constitution, submitted the following :

REPORT OF THE COMMITTEE RESPECTING FUTURE AMENDMENTS TO THE CONSTITUTION.

ARTICLE.—AMENDMENTS.

Section 1. Any specific amendment or amendments to this Constitution may be proposed by the General Assembly, provided, the same shall be by Bill proposing a separate amendment which shall embody the entire article or section as the same will stand when amended, and that said Bill shall have passed by a vote of three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall, with the yeas and nays thereon, be entered on the Journal of each House. The Bill or Bills, proposing amendment or amendments, shall be published, by order of the Governor, in at least two newspapers in each county where so many may be published, and where not more than one may be published, then in that newspaper, and in three newspapers published in the city of Baltimore, one of which shall be in the German language, for at least three months preceeding the next ensuing general election, at which the said proposed amendment or amendments shall be submitted, in a form to be prescribed by the General Assembly, to the qualified voters of the State for confirmation or rejection. The votes cast for and against said proposed amendment or amendments severally shall be returned to the Governor, in the manner prescribed in other cases, and if it shall appear to the Governor that a majority of the votes cast at said election on said amendment or amendments severally, were cast in favor of the confirmation thereof, the Governor shall, by his Proclamation, declare the said amendment or amendments, having received said majority of votes to have been adopted by the people of Maryland as part of the Constitution thereof, and thenceforth said amendment or amendments shall be part of the Constitution and Form of

Government of this State. When two or more amendments shall be submitted, in manner aforesaid, to the voters of this State at the same election, they shall be so submitted as that each amendment shall be voted on separately.

Sec. 2. It shall be the duty of the General Assembly to provide by law for taking the sense of the people of this State, whether they desire or not that there shall be a Convention to revise, alter or amend the Constitution at the general election to be held in, or next after, the year eighteen hundred and eighty-seven, and every twenty years thereafter, and if a majority of voters at such election or elections shall vote for a Convention, the General Assembly at its next session, shall provide by law for the election of Delegates to the same, who shall be equal to the number of members of both Houses of the General Assembly, and for the assembling of such Convention. But any Constitution, or change or amendment of the existing Constitution, which may be adopted by such Convention, shall be submitted to the voters of this State at a general election, and shall have no effect unless the same shall have been adopted by a majority of the voters voting thereon.

Which was read a first time.

The Convention then took up for consideration the unfinished business of yesterday, being the report of the Committee upon the Legislative Department, said report being upon its second reading ;

The question recurring upon the motion submitted by Mr. Maulsby, for the previous question, pending the consideration of the 30th section on yesterday ;

When, (by unanimous consent) Mr. Maulsby withdrew the motion submitted by him.

On motion of Mr. Jones, (by unanimous consent,)

The amendment to said 30th section, submitted by him on yesterday, was amended by striking out the words "in Somerset county."

The question then recurring upon the amendment submitted by Mr. Johnson ;

Mr. Gill demanded the previous question,

Which was not sustained.

The question then being upon the adoption of the amendment submitted by Mr. Johnson ;

Mr. Johnson, (by unanimous consent,) withdrew the amendment submitted by him ;

The question then recurring upon the amendment submitted by Mr. Jones ;

The question being upon its adoption ;

Mr. Jones demanded the yeas and nays ;

The demand being sustained ;

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Groome,	Peters,
Barnes,	Henderson,	Rider,
Bateman,	Jones,	Ritchie,
Chambers,	Keating,	Tarr, of Caroline,
Denson,	Lee,	Tarr, of Worc' tr,
Devries,	Massey,	Vansant,
Ferry,	McCormick,	Watkins, of Car.,
Finley,	McMaster,	Wethered,
Franklin,	Merryman,	Wilkinson,
George,	Parker,	Whitman—29.

NEGATIVE.

Messrs.	Goldsborough, T,	Morris,
Carmichael, P't,	Hall,	Motter,
Barry,	Hardcastle,	Murry,
Bell,	Hayden,	Nelson,
Brewer, of Mont.,	Hoblitzell,	Page,
Brown,	Horsey, of Fred'k	Charles S. Parran.
Carter,	Horsey, of Som't,	John Parran,
Cunningham,	Howison,	Perry,
Dent,	Ireland,	Pleasants,
Dobbin,	Jamison,	Pole,
Dorsey,	Johnson,	Rennolds,
Duvall,	Kennedy,	Riggs,
Emack,	Mackubin,	Ringgold,
Evans,	Manro,	Silver,
Farnandis,	Marbury,	Stoddert,
Ford,	Maulsby,	Thomas,
Franck,	McKaig,	Wallace,
Galt,	McPherson,	Walsh,
Gill,	Merrick,	Watkins, of M.,
Goldsborough, D,	Mitchell,	Wickes—59.

So the amendment submitted by Mr. Jones,

Was rejected.

The 30th section as amended was then read.

On motion of Mr. Dent,

The Convention then resumed the consideration of the

26th Section of the Report which on yesterday was informally postponed.

The question recurring upon the amendment submitted by Mr. Page, (by unanimous consent) Mr. Page withdrew the amendment submitted by him.

Mr. Dent submitted the following amendment :

Sec. 26, line 2, after the word "who," at end of said line, insert the words ; "if he approves it ;"

Which was adopted.

The 31st and 32nd Sections were then read ;

Pending (the reading of the 33rd Section,)

Mr. Lee submitted the following amendment :

Strike out the whole Section.

Pending the consideration of which,

The question recurring upon its adoption,

Mr. Stoddert demanded the yeas and nays ;

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Hall,	Morris,
Barry,	Horsey, of S	Parran, Chas. S.
Brewer, of Mo'y.	Howison,	Parran, John,
Brooke,	Ireland,	Peters,
Dent,	Jamison,	Rennolds,
Duvall,	Lee,	Rider,
Emack,	Marbury,	Riggs,
Giddings,	Massey,	Stoddert,
Goldsborough, D.	Mitchell,	Tarr, Worcester,
Goldsborough, T.		—27

NEGATIVE.

Messrs.	George,	Motter,
Carmichael, Pre't	Gill,	Murray,
Archer,	Groome,	Nelson,
Barnes,	Hardcastle,	Page,
Bateman,	Hayden,	Parker,
Bell,	Henderson,	Perry,
Brown,	Hoblitzell,	Pleasants,
Buchanan,	Horsey, of Fred'k	Pole,
Carter,	Johnson,	Ringgold,
Chambers,	Jones,	Ritchie,
Cunningham,	Keating,	Roman,
Denson,	Kennedy,	Silver,

Devries,	Mackubin,	Spates,
Dobbin,	Manro,	Thomas,
Dorsey,	Maulsby,	Vansant,
Evans,	McCormick,	Wallace,
Farnandis,	McKaig,	Walsh,
Ferry,	McMaster,	Watkins, of Car.
Finley,	McPherson,	Wickes,
Franck,	Merrick,	Wilkinson,
Franklin,	Merryman,	Whitman.—63.
Galt,		

So the amendment submitted by Mr. Lee,

Was rejected, and the whole section was not stricken out.

Mr. Lee submitted the following amendment :

The Legislature shall pass necessary and proper laws to distribute to the claimants any fund that may arise from the co-operation of the United States with the State, as pledged by the joint resolution of Congress, of April 10, 1862, to compensate the owners of slaves that have been emancipated by the State ;

Mr. Jones submitted the following amendment as a substitute :

Strike out all after the word “law,” 1st line, 33 Section, and insert “providing for payment by this State for slaves emancipated from servitude in this State, but they shall adopt such measures as they may deem expedient to obtain from the United States, compensation for such slaves, and to receive and distribute the same, equitably, to the persons entitled ;

Pending the consideration of which,

Mr. Henderson demanded the previous question.

Which was not sustained.

The question then recurring upon the adoption of the amendment submitted by Mr. Jones,

It was rejected.

The question then recurring upon the amendment submitted by Mr. Lee, the question being upon its adoption,

Mr. Marbury demanded the yeas and nays.

The demand being sustained,

On motion of Mr. Horsey, of Frederick,

A call of the House was ordered.

Upon a call of the roll, the following members responded to their names :

Messrs. Carmichael, (President,) Archer, Barnes, Bateman, Bell, Brewer, of Montgomery, Brooke, Brown, Buchanan, Carter, Chambers, Cunningham, Denson, Dent, Devries, Dobbin, Dorsey, Duvall, Emack, Evans, Farnandis, Ferry, Finley, Ford, Franck, Franklin, Galt, George, Giddings, Gill, Goldsborough, of Dorchester, Goldsborough, of Talbot, Groome, Hall, Hardcastle, Hayden, Henderson, Hoblitzell, Hodson, Horsey, of Frederick, Horsey, of Somerset, Howison, Ireland, Jamison, Johnson, Jones, Keating, Kennedy, Lee, Mackubin, Manro, Marbury, Massey, Maulsby, McCormick, McKaig, McMaster, Merrick, Mitchell, Morris, Motter, Murray, Nelson, Parker, Charles S. Parran, John Parran, Perry, Peters, Pleasants, Pole, Rennolds, Rider, Riggs, Ringgold, Ritchie, Roman, Silver, Spates, Tarr, of Caroline, Tarr, of Worcester, Thomas, Wallace, Walsh, Watkins, of Caroline, Watkins, of Montgomery, Wethered, Wickes, Whitman.—88.

On motion of Mr. Mitchell,

All further proceedings under the call were dispensed with.

The question then recurring upon the adoption of the amendment submitted by Mr. Lee,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

Messrs.	Hodson,	Parran, C. S.,
Brewer, Mont'gy.	Horsey, Somerset,	Parran, John,
Brooke,	Ireland,	Peters,
Dent,	Jamison,	Rennolds,
Duvall,	Lee,	Rider,
Emack,	Marbury,	Riggs,
Ford,	Massey,	Stoddert,
Giddings,	Mitchell,	Tarr, Worcest'r.
Goldsborough, D.	Morris,	Watkins, Mon-27
Hall,		

NEGATIVE.

Messrs.	George,	Motter,
Carmichael, P't.	Gill,	Murray,
Alvey,	Goldsborough, T.	Nelson,
Archer,	Groome,	Parker,
Bateman,	Hardcastle,	Perry,
Bell,	Hayden,	Pleasants,
Brown,	Henderson,	Pole,
Buchanan,	Hoblitzell,	Ringgold,
Carter,	Horsey, Fred'k.	Ritchie,
Chambers,	Howison,	Roman,
Cunningham,	Johnson,	Silver,
Denson,	Jones,	Spates,

Devries,	Keating,	Tarr, Caroline,
Dobbin,	Kennedy,	Thomas,
Dorsey,	Mackubin,	Vansant,
Evans,	Manro,	Wallace,
Farnandis,	Maulsby,	Walsh,
Ferry,	McCormick,	Watkins, Car.
Finley,	McKaig,	Wethered,
Franck,	McMaster,	Wickes,
Franklin,	Merrick,	Whitman—63.
Galt,		

So the amendment submitted by Mr. Lee was rejected.

Mr. Dent submitted the following amendment :

Sec. 33. Strike out all after the word “but,” in third line, and insert, “Shall take such steps as may be deemed necessary, to urge upon the Government of the United States such aid in compensation for emancipation in this State as was pledged by the Joint Resolution, No. 26, passed by the Congress of the United States, on the 10th day of April, 1862, and shall pass such laws as may be necessary for the distribution of such aid as may be received from the United States for that purpose ;

Mr. Rider submitted the following amendment as a substitute :

Sec. 33. The Legislature shall issue no bonds nor contract any debt in the name of the State, to pay for slaves emancipated by the Constitution of 1864 ;

Pending the consideration of which,

Mr. Rider demanded the yeas and nays,

Which was not sustained.

The amendment submitted by Mr. Rider was then rejected.

The question then recurring upon the amendment submitted by Mr. Dent,

It was adopted.

The section as amended, was then read.

The 34th and 35th sections were then read.

Pending the reading of the 36th section,

Mr. McCormick submitted the following amendment :

Sec. 36. Strike out all after the word “ Compensation,” in line 4 ;

Pending the consideration of which,

On motion of Mr. Hayden,

At 3 o'clock and 25 minutes, the Convention adjourned.

FRIDAY, June 28th, 1867.

The Convention met.

Prayer by Rev. Mr. Henderson.

Present at the call of the roll, the following members :

Messrs. Carmichael, (President,) Alvey, Archer, Barnes, Barry, Bateman, Bell, Brent, Brewer, of Baltimore city, Brewer, of Montgomery, Brooke, Brown, Buchanan, Carter, Chambers, Cunningham, Dent, Devries, Dobbin, Dorsey, Duvall, Emack, Evans, Farnandis, Ferry, Finley, Flaherty, Ford, Franck, Franklin, Galt, Garey, George, Giddings, Gill, Goldsborough, Dorchester, Goldsborough, Talbot, Hall, Hardcastle, Hayden, Henderson, Hoblitzell, Hodson, Horsey, of Frederick, Howard, Howison, Ireland, Jamison, Johnson, Jones, Keating, Kennedy, Lee, Longwell, Mackubin, Manroe, Marbury, Massey, Maulsby, McCormick, McKaig, McMaster, McPherson, Merrick, Merryman, Mitchell, Morris, Motter, Murray, Nelson, Page, Parker, Parran, Charles S., Parran, John, Perry, Peters, Pleasants, Pole, Rennolds, Rider, Riggs, Ringgold, Ritchie, Rogers, Roman, Silver, Spates, Starr, Stoddert, Syester, Tarr, of Caroline, Tarr, of Worcester, Toadvine, Vansant, Wallace, Walsh, Watkins, of Caroline, Watkins, of Montgomery, Wethered, Wickes, Wilkinson—101.

The proceedings of yesterday were read, and approved.

Mr. Page presented the remonstrance of 64 citizens of Somerset county against the formation of a new county out of portions of Somerset and Worcester counties.

Also, the remonstrance of 50 citizens of Somerset county, on same subject.

Also, the remonstrance of 40 citizens of Somerset county, on same subject.

Also, the remonstrance of 62 citizens of Somerset county, on the same subject.

Which were severally read and referred to the Committee appointed upon that subject.

On motion of Mr. Ireland, the Convention took up for consideration the order submitted by Mr. Tarr, of Worcester, on 26th inst., relative to adjournment.

On motion of Mr. Tarr, of Worcester,

The Order was amended by striking out the word "Friday," and inserting the word "Saturday."

On motion of Mr. Tarr, of Worcester,

The Order was further amended by striking out the words, "Tuesday, the ninth," and inserting the words, "~~Wednesday~~, the tenth."

On motion of Mr. Maulsby,

A call of the House was ordered.

Upon a call of the roll the following members responded to their names:

Messrs. Carmichael, (President,) Alvey, Archer, Barnes, Bateman, Bell, Brewer, of Baltimore city, Brewer, of Montgomery, Brooke, Brown, Buchanan, Carter, Chambers, Cunningham, Dent, Devries, Dobbin, Dorsey, Duvall, Emack, Evans, Farnandis, Ferry, Finley, Flaherty, Ford, Franck, Franklin, Galt, Garey, George, Giddings, Gill Goldsborough, of Dorchester, Goldsborough, of Talbot, Hall, Hardcastle, Hayden, Henderson, Hoblitzell, Hodson, Horsey, of Frederick, Howard, Howison, Ireland, Jamison, Johnson, Jones, Keating, Kennedy, Lee, Longwell, Mackubin, Manro, Marbury, Massey, Maulsby, McCormick, McKaig, McMaster, McPherson, Merrick, Merryman, Mitchell, Morris, Murray, Nelson, Page, Parker, Charles S. Parran, John Parran, Perry, Peters, Pleasants, Pole, Rennolds, Rider, Riggs, Ringgold, Ritchie, Rogers, Roman, Silver, Spates, Stoddert, Tarr, of Caroline, Tarr, of Worcester, Toadvine, Vansant, Wallace, Walsh, Watkins, of Caroline, Watkins, of Montgomery, Wethered, Wickes, Wilkinson—96.

Upon the call of the roll,

Mr. Maulsby moved that the Doorkeepers be sent to notify the absent members ;

Decided in the negative.

On motion of Mr. Wethered,

All further proceedings under the call were dispensed with.

The question then recurring upon the order submitted by Mr. Tarr, of Worcester,

Mr. Gill submitted the following amendment :

That during the recess no compensation, be allowed to the members or officers of the Convention ;

Pending the consideration of which,

The question recurring upon its adoption,

Mr. Maulsby demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

Messrs.	Galt,	McCormick,
Carmichael, P't.	George,	McMaster,
Alvey,	Gill,	Merrick,
Archer,	Groome,	Pleasants,
Bateman,	Hall,	Pole,
Bell,	Hardcastle,	Riggs,
Brewer, Montg'y,	Hayden,	Ringgold,
Brown,	Horse, of Fred.	Rogers,
Carter,	Howison,	Silver,
Cunningham,	Johnson,	Starr,
Dobbin,	Kennedy,	Vansant,
Emack,	Longwell,	Wallace,
Evans,	Mackubin,	Watkins, Car.
Farnandis,	Massey,	Wickes—43.
Franklin,	Maulsby,	

NEGATIVE.

Messrs.	Goldsborough, T.	Page,
Barnes,	Henderson,	Parker,
Brent,	Hoblitzell,	C. S. Parran,
Brewer, B. City,	Hodson,	John Parran,
Brooke,	Howard,	Perry,
Buchanan,	Ireland,	Peters,
Chambers,	Jamison,	Rennolds,
Dent,	Jones,	Rider,
Devries,	Keating,	Ritchie,
Dorsey,	Lee,	Roman,
Duvall,	Manro,	Spates,
Ferry,	Marbury,	Stoddert,
Finley,	McKaig,	Tarr, Car.
Flaherty,	McPherson,	Tarr, Worc'r,
Ford,	Merryman,	Toadvine,
Franck,	Mitchell,	Walsh,
Garey,	Morris,	Watkins, Mont.
Giddings,	Murray,	Wethered,
Goldsborough, D.	Nelson,	Wilkinson—56.

So the amendment submitted by Mr. Gill,

Was rejected.

The question then recurring upon the adoption of the order submitted by Mr. Tarr, of Worcester ;

Mr. Maulsby demanded the yeas and nays,

The demand being sustained ;

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Galt,	Morris,
Carmichael, Pre't	Garey,	Nelson,
Alvey,	Giddings,	Page,
Barnes,	Hall,	Parker,
Bateman,	Hardcastle,	C. S. Parran,
Brent,	Hayden,	John Parran,
Brewer, of Mo'y.	Henderson,	Peters,
Buchanan,	Hodson,	Rider,
Dent,	Ireland,	Riggs,
Devries,	Jamison,	Ringgold,
Dobbin,	Johnson,	Stoddert,
Dorsey,	Jones,	Tarr, of Worc'r,
Duvall,	Manro,	Toadvine,
Ferry,	Massey,	Wallace,
Finley,	McMaster,	Watkins, of Car,
Flaherty,	McPherson,	Watkins, of Mo.,
Ford,	Merrick,	Wethered,
Franck,	Merryman,	Wilkinson—55.
Franklin,	Mitchell,	

NEGATIVE.

Messrs.	Groome,	Perry,
Archer,	Hoblitzell,	Pleasants,
Bell,	Horse, of Fred'k	Pole,
Brewer, of B. C.,	Howard,	Rennolds,
Brooke,	Keating,	Ritchie,
Brown,	Kennedy,	Rogers,
Carter,	Lee,	Roman,
Chambers,	Longwell,	Silver,
Cunningham,	Mackubin,	Spates,
Emack,	Marbury,	Starr,
Evans,	Maulsby,	Syster,
Farnandis,	McCormick,	Tarr, of Caroline,
George,	McKaig,	Vansant,
Gill,	Motter,	Walsh,
Goldsborough, D.	Murray,	Wickes—45.
Goldsborough, T.		

So the order submitted by Mr. Tarr, of Worcester,

Was adopted.

Mr. Kennedy, from the Committee of Arrangements appointed relative to the visit of President Johnson,

Reported that a telegram had been received from the President announcing the fact that he expected to visit Annapolis, on to-morrow, Saturday morning.

The Committee further report that the formal reception by the Convention, will take place about ten o'clock, A. M., on to-morrow, in the Convention Hall.

Mr. Jones, Chairman of the Committee ordered to be appointed to receive President Johnson at Baltimore City and conduct him to Annapolis, submitted the following report :

The following Committee is appointed under the order of the Convention, that a Committee of one from each County of the State, and one from each Legislative District of the city of Baltimore, be appointed by the delegations from said Counties and Districts respectively :

Allegany—Mr. Roman. *Anne Arundel*—Mr. Howison. *Baltimore City*—1st District—Mr. Vansant. 2d District—Mr. Ritchie. 3d District—Mr. Merryman. *Baltimore County*—Mr. Buchanan. *Calvert*—Mr. John Parran. *Caroline*—Mr. Tarr. *Carroll*—Mr. Longwell. *Cecil*—Mr. McCormick. *Charles*—Mr. Brent. *Dorchester*—Mr. Goldsborough. *Frederick*—Mr. Nelson. *Harford*—Mr. Farnandis. *Howard*—Mr. Mac-kubin. *Kent*—Mr. Massey. *Montgomery*—Mr. Watkins. *Prince George's*—Mr. Emack. *Queen Anne's*—Mr. Finley. *St. Mary's*—Mr. Dent. *Somerset*—Mr. Jones. *Talbot*—Mr. Goldsborough. *Washington*—Mr. Syester. *Worcester*—Mr. Franklin.

The Committee propose to visit Baltimore this Friday afternoon, and to meet at Barnum's City Hotel at 9 o'clock, P. M., to determine upon further proceedings.

Which was read.

Mr. Archer from the Committee upon the Judiciary Department, submitted the following

MINORITY REPORT OF THE COMMITTEE UPON THE JUDICIARY DEPARTMENT.

The minority of the Committee upon the Judiciary concur with the majority in their Report of Part I, Part IV, Part VI and Part VII, and as substitutes for part II, Part III and Part V, report as follows :

PART II.—COURT OF APPEALS.

Section 14. The Court of Appeals shall consist of a Chief Judge and four Associate Judges, and for their selection the State shall be divided into five Judicial Districts, as follows : Worcester, Somerset, Dorchester, Talbot, Caroline, Queen Anne's and Kent Counties, shall compose the first district ; Cecil, Harford, Baltimore and Carroll Counties, shall compose the second district ; Baltimore City shall compose the third district ; Allegany, Washington, Frederick, and Howard Counties shall compose the fourth district, and St. Mary's, Charles, Anne Arundel, Calvert, Prince George's and Montgomery Counties shall compose the fifth district. One of the Judges of the Court of Appeals shall be elected from each

of said districts by the qualified voters thereof, and the salary of each Judge shall be five thousand dollars.

Sec. 15. The Court of Appeals shall hold its sessions in the city of Annapolis, on the first Monday in April and the first Monday in October, in each and every year, or at such other times as the General Assembly may by law direct. Its sessions shall continue not less than ten months in the year, if the business before it shall so require; and it shall be competent for the Judges temporarily to transfer their sittings elsewhere, upon sufficient cause.

Sec. 16. Three Judges shall constitute a quorum; and no cause shall be decided without the concurrence of at least three Judges, but the Judge who heard the cause below shall not participate in the decision; in every case an opinion in writing shall be filed within three months after the argument or submission of the cause, and the judgment of the Court shall be final and conclusive; and all cases shall stand for hearing at the first term after the transmission of the record.

Sec. 17. Provision shall be made by law for publishing reports of all causes argued and determined in the Court of Appeals, which the Judges shall designate as proper for publication.

Sec. 18. The Court of Appeals shall appoint its own Clerk, who shall hold his office for six years, and may be re-appointed at the end of his term; he shall be subject to removal by said Court for incompetency, neglect of duty, misdemeanor in office, or such other cause or causes as may be prescribed by law.

PART III.—CIRCUIT COURTS.

Sec. —. The State shall be divided into twelve Judicial Circuits, in manner following: Saint Mary's, Charles and Prince George's Counties shall constitute the first Circuit. Calvert, Anne Arundel and Montgomery Counties shall constitute the second Circuit. Howard and Carroll Counties shall constitute the third Circuit. Frederick County shall constitute the fourth Circuit. Washington County shall constitute the fifth Circuit. Allegany County shall constitute the sixth Circuit. Baltimore County shall constitute the seventh Circuit. Harford and Cecil Counties shall constitute the eighth Circuit. Kent, Queen Anne's and Caroline Counties shall constitute the ninth Circuit. Talbot and Dorchester Counties shall constitute the tenth Circuit. Somerset and Worcester Counties shall constitute the eleventh Circuit, and Baltimore City shall constitute the twelfth Circuit.

Sec. —. A Court shall be held in each County of the State, which shall be called the Circuit Court for the county in which

it may be held, and shall have and exercise all the power, authority and jurisdiction which the present Circuit Courts of this State now have and exercise or which may be prescribed by law.

Sec. —. There shall be one Judge in each Judicial Circuit, except the twelfth, who shall be styled Judge of the Circuit Court, and during his term of office shall reside in one of the counties composing the Circuit for which he may be elected. The said Judges shall hold a term of their Courts in each of the counties composing their respective Circuits at such times as are now, or may hereafter be prescribed by law, such terms to be never less than two in each year in each county, and may hold special terms in their discretion, whenever the business, in their several counties, render such terms necessary.

Sec. —. The said Judges of the Circuit Courts shall also sit as Judges of the Circuit Courts in adjoining Circuits when required so to do by law, or whenever the Judges of such adjoining Circuits may mutually agree to interchange, and hold terms for each other, and in all cases in which the Judge of any judicial Circuit shall be disqualified or unable to act as Judge at any term or in any cause pending in his Court, he shall certify the fact to the Judge of an adjoining Circuit, who shall have full power and authority, and whose duty it shall be to act in the place of such disqualified Judge, and hold the term or try the cause in his stead, or the parties to such cause may by consent appoint a person to try the same.

Sec. —. The salary of each of said Judges of the Circuit Court shall be _____ per annum, payable quarterly, which shall not be diminished during his continuance in office.

Sec. —. The present Judges of the Circuit Courts shall continue to act as Judges of the respective Circuit Courts as now constituted until the election and qualification of Judges of the Circuit Courts under this Constitution.

Sec. —. There shall be a Clerk of the Circuit Court for each county, who shall be elected by the qualified voters of such county; he shall hold his office for the term of six years from the time of his election, and until a new election is held, and his successor is duly qualified; he shall be re-eligible at the end of his term, and shall at any time be subject to removal for wilful neglect of duty, or other misdemeanor in office, on conviction in a Court of Law. In the event of any vacancy in the office of the Clerk of any of the Circuit Courts, said vacancy shall be filled by the Judge of said Circuit in which such vacancy occurs, until the next

general election for County Officers, when a Clerk of said Circuit Court shall be elected to serve for six years thereafter.

Sec. —. The Judges of the respective Circuit Courts of this State, shall render their decisions in all cases argued before them, or submitted for their judgment, within two months after the same shall have been so argued or submitted.

PART V—ORPHANS' COURT.

Sec. —. There shall be an Orphans' Court in each of the counties of this State, which shall have and exercise all the powers, authority and jurisdiction now had and exercised by the Orphans' Courts, except power to decree sales of real estate, subject to such changes as the Legislature may prescribe, and shall have power to revise, review and correct all proceedings of the Register of Wills, and shall have such other jurisdiction as may hereafter be prescribed by law.

Sec. —. The Judge of the Circuit Court for each county in the State shall also sit and act as Judge of the Orphans' Court in each of the counties comprised within his Circuit, and shall hold terms of said Courts as he may deem necessary, or as may hereafter be prescribed by law; provided such terms are never less than four in each year in each county; and in case any Judge of the Orphans' Court shall be disqualified or unable to sit in any cause pending in such Court, the Judge of an adjoining Circuit may hear and determine the same in the place of such disqualified Judge.

Sec. —. There shall be a Register of Wills in each county of the State to be elected by the legal and qualified voters of said counties respectively, who shall hold his office for six years from the time of his election, and until his successor is elected and qualified; he shall be re-eligible, and subject at all times to removal for wilful neglect of duty or misdemeanor in office, in the same manner that clerks of the courts are removable. In the event of any vacancy in the office of Register of Wills, said vacancy shall be filled by the Judge of the Orphan's Court in which such vacancy occurs until the next general election of Delegates to the General Assembly, when a Register of Wills shall be elected to serve for six years.

Sec. —. The Register of Wills shall perform all the duties pertaining to his office which are now or may be hereafter prescribed by law, and in the absence of the Judge shall have and exercise all the powers vested in the Orphan's Court, subject to such rules and regulations as the Judge of such Court may prescribe; provided, however, that it shall be the duty of the said Register in any suit, cause, action or

proceedings before him upon the motion of either party to reserve the case before him for trial and decision, by the Judge of said Court.

Which was read a first time.

The Convention then resumed the consideration of the unfinished business of yesterday,

Being the Report of the Committee upon the Legislative Department;

Said Report being upon a second reading.

The question recurring upon the amendment submitted by Mr. McCormick, to the 36th Section of the Report;

Pending which,

Mr. McCormick moved that the vote by which the 33rd section as amended, had been ordered to a second reading, be re-considered.

The question recurring upon sustaining the motion,

Mr. Dent demanded the yeas and nays;

The demand being sustained, (Mr. Vansant in the Chair,)

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Gill,	Murray,
Alvey,	Goldsborough, T.	Parker,
Archer,	Groome,	Perry,
Barry,	Hardcastle,	Peters,
Bateman,	Hayden,	Pleasants,
Bell,	Henderson,	Pole,
Brewer, of B. C.,	Horse, of Fre'k.	Ringgold,
Brown,	Howard,	Ritchie,
Buchanan,	Howison,	Rogers,
Carter,	Johnson,	Silver,
Chambers,	Jones,	Spates,
Cunningham,	Keating,	Starr,
Evans,	Kennedy,	Tarr, of Caroline,
Farnandis,	Longwell,	Wallace,
Flaherty,	Mackubin,	Walsh,
Galt,	McCormick,	Watkins, of Car.
Garey,	McKaig,	Wethered,
George,	McMaster,	Wickes—53.

NEGATIVE.

Messrs.	Franklin,	Merrick,
Brent,	Giddings,	Mitchell,

Brewer, of Mont.	Goldsborough, D.	Nelson,
Brooke	Hall,	C. S. Parran,
Dent,	Hodson,	John Parran,
Devries,	Ireland,	Rennolds,
Dorsey,	Lee,	Riggs,
Duvall,	Marbury,	Stoddert,
Emack,	Massey,	Vansant,
Finley,	Maulsby,	Watkins, of Mo.
Ford,	McPherson,	—32.
Franck,		

So the motion submitted by Mr. McCormick prevailed, and the 33rd Section was re-considered to a second reading.

The question then recurring upon the adoption of the amendment submitted by Mr. Dent ;

Mr. Dent demanded the yeas and nays ,

The demand being sustained,

On motion of Mr. Brewer, of Baltimore city,

A call of the House was ordered ;

Upon the call of the roll, the following members responded to their names :

Messrs. Alvey, Archer, Barnes, Barry, Bateman, Bell, Brent, Brewer, of Baltimore city, Brewer, of Montgomery, Brooke, Brown, Buchanan, Carter, Chambers, Cunningham, Dent, Devries, Dorsey, Duvall, Emack, Evans, Farnandis, Finley, Flaherty, Ford, Franck, Franklin, Galt, Garey, George, Giddings, Gill, Goldsborough, of Dorchester, Goldsborough, of Talbot, Groome, Hall, Hardcastle, Hayden, Henderson, Hoblitzell, Hodson, Horsey, of Frederick, Howard, Howison, Ireland, Jamison, Johnson, Jones, Keating, Kennedy, Lee, Longwell, Mackubin, Marbury, Maulsby, McCormick, McKaig, McPherson, Merrick, Merryman, Mitchell, Morris, Murray, Nelson, Parker, Charles S. Parran, John Parran, Perry, Peters, Pleasants, Pole, Rennolds, Rider, Riggs, Ringgold, Ritchie, Rogers, Silver, Starr, Tarr, of Caroline, Tarr, of Worcester, Toadvine, Vansant, Wallace, Walsh, Watkins, of Caroline, Watkins, of Montgomery, Wethered, Wickes, Wilkinson—90.

Upon the call of the roll, Mr. Brewer moved that the Door-Keepers be ordered to notify the absent members to give their attendance ;

Mr. Carter moved that all further proceedings under the call be dispensed with.

Decided in the negative.

The question then recurring upon the motion submitted by Mr. Brewer, of Baltimore city,

It was sustained, and the Door-Keepers were ordered to notify the absent members to give their attendance.

Was re-considered.

On motion of Mr. Brent,

The vote by which the Door-Keepers were ordered to notify the absent members to give their attendance, was re-considered ;

The question then recurring upon the motion submitted by Mr. Brewer, of Baltimore City,

On motion of Mr. Brent,

The Sergeant-at-Arms was ordered to notify the absent members, now in the city, to give their attendance, and to bring them before the Bar of the House ;

After an absence of forty minutes, the Sergeant-at-Arms returned, and reported that he had notified all the absent members now in the city, and had brought them before the Bar of the House.

On motion of Mr. Jones,

All further proceedings under the call were dispensed with.

The question then recurring upon the yeas and nays as ordered,

(Mr. Vansant in the Chair,)

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Goldsborough, T.	Morris,
Brent,	Hall,	Nelson,
Brewer, Montg'y,	Hodson,	Parker,
Brooke,	Howison,	Charles S. Parran,
Dent,	Ireland.	John Parran,
Dorsey,	Jamison,	Rennolds,
Duvall,	Lee,	Rider,
Emack,	Manro,	Riggs,
Finley,	Marbury,	Tarr, of Caroline,
Ford,	Maulsby,	Toadvine,
Franklin,	McPherson,	Vansant,
Giddings,	Mitchell,	Watkins, M—36.
Goldsborough, D.		

NEGATIVE.

Messrs.	Garey,	Motter,
Alvey,	George,	Murray,
Archer,	Gill,	Perry,
Barnes,	Groome,	Peters,
Barry,	Hardcastle,	Pleasants,
Bateman,	Hayden,	Pole,
Bell,	Henderson,	Ringgold,
Brewer, of B. city,	Hoblitzell,	Ritchie,
Brown,	Horsey, of Fred'k,	Rogers,
Buchanan,	Howard,	Silver,
Carter,	Johnson,	Spates,
Chambers,	Jones,	Starr,
Cunningham,	Keating,	Stoddert,
Devries,	Kennedy,	Syester,
Dobbin,	Longwell,	Wallace,
Evans,	Mackubin,	Walsh,
Farnandis,	McCormick,	Watkins, of Car.,
Ferry,	McKaig,	Wethered,
Flaherty,	McMaster,	Wickes,
Franck,	Merrick,	Wilkinson—61.
Galt,	Merryman,	

So the amendment submitted by Mr. Dent, was rejected.

Mr. McKaig moved a reconsideration of the vote by which the amendment submitted by Mr. Jones, on yesterday, was rejected ;

Decided in the affirmative.

The question then recurring upon the adoption of the amendment, viz :

Strike out all after the word "law," 1st line, 33d section, and insert "providing for payment by this State for slaves emancipated from servitude in this State, but they shall adopt such measures as they may deem expedient to obtain from the United States, compensation for such slaves, and to receive and distribute the same, equitably, to the persons entitled ;"

It was adopted.

The section as amended, was then read.

The Convention then resumed the consideration of the 36th section.

The question recurring upon the amendment submitted by Mr. McCormick,

It was adopted.

The section as amended was then read.

Pending the consideration of the 37th section ;

Mr. Brent moved to strike out the whole section ;

Decided in the negative.

Mr. Johnson submitted the following amendment :

Sec. 37. Strike out in 2d line the words " either in or out of this State," and insert after the word " weapons," in 3d line, the words " within this State ;" so the section will read " Any citizen of this State who shall after the adoption of this Constitution, fight a duel with deadly weapons, within this State, or send or accept a challenge so to do, or who shall act as second, &c., &c."

Which was rejected.

Mr. Brewer, of Baltimore city, moved to strike out the words " deadly weapons ;"

Decided in the negative.

Mr. Motter submitted the following amendment :

Sec. 37. Add to the end of section, " unless relieved from the disability by an act of the Legislature ;"

Which was adopted.

Mr. Nelson submitted the following amendment :

Strike out all after the word " shall," in the 5th line and insert " be punished as may be provided by law ;"

Which was rejected.

The section as amended, was then read.

Pending the reading of the 38th section,

Mr. Dent submitted the following amendment :

Sec. 38. Insert the word " necessary," between the word " laws," and the word " for," in first line, and strike out all after the word " elections," in second line ;

Which was adopted.

Mr. Barnes submitted the following amendment :

Insert after the word " of," secondly occurring in line 2, section 38, the words " primary and all other."

The section so amended will then read as follows: " The General Assembly shall pass laws for the preservation of the purity of primary and all other elections by the registration of voters, and by such other means as may be deemed expedient,"

Mr. Tarr, of Caroline, submitted the following amendment as a substitute for the whole section:

Sec. 38. The General Assembly shall pass such laws for the preservation of the purity of elections, as may be deemed expedient,

Which was rejected.

The question then recurring upon the adoption of the amendment submitted by Mr. Barnes,

Mr. Brewer, of Baltimore City, demanded the yeas and nays,

The demand being sustained, (Mr. Vansant in the Chair),

The yeas and nays were called, and appeared as follows:

AFFIRMATIVE.

Messrs.	George,	Parran, John,
Barnes,	Gill,	Peters,
Brewer, B. city,	Hall,	Rennolds,
Brewer, Mont'y,	Henderson,	Rider,
Dorsey,	Massey,	Riggs,
Ferry,	McPherson,	Tarr, Worcester,
Flaherty,	Merryman,	Vansant,
Franck,	Mitchell,	Wilkinson.—25.
Galt,	Nelson,	

NEGATIVE.

Messrs.	Groome,	Parker,
Alvey,	Hardcastle,	Parran, C. S.
Archer,	Hayden,	Perry,
Bateman,	Hoblitzell,	Pleasants,
Bell,	Hodson,	Pole,
Brooke,	Howard,	Ritchie,
Brown,	Jones,	Roman,
Carter,	Lee,	Silver,
Chambers,	Longwell,	Spates,
Cunningham,	Mackubin,	Starr,
Dent,	Manro,	Syester,
Devries,	Marbury,	Tarr, Caroline,
Emack,	Maulsby,	Toadvine,
Evans,	McCormick,	Wallace,
Farnandis,	McMaster,	Watkins, Car.
Ford,	Motter,	Wethered,
Garey,	Murray,	Wickes.—51.
Giddings,		

So the amendment submitted by Mr. Barnes

Was rejected.

On motion of Mr. Brewer, of Baltimore City,

At 2½ o'clock, P. M., the Convention adjourned.

SATURDAY, June 29, 1867.

The Convention met.

Prayer by Rev. Mr. Burke.

Upon the call of the roll, no quorum being present,

The Convention awaited the arrival of the Committee appointed to receive the President of the United States, and escort him to Annapolis.

Upon the arrival of the Committee, the following members were found to be present:

Messrs. Carmichael, (President,) Archer, Austin, Barnes, Barry, Bateman, Bell, Brent, Brewer, of Montgomery, Brooke, Brown, Buchanan, Carter, Chambers, Cover, Cunningham, Dent, Devries, Dobbin, Dorsey, Duvall, Emack, Evans, Farnandis, Ferry Finley, Flaherty, Ford, Franck, Franklin, Galt, Garey, George, Giddings, Gill, Goldsborough of Dorchester, Goldsborough, of Talbot, Groome, Hardcastle, Hayden, Henderson, Hoblitzell, Hodson, Horsey of Frederick, Howard, Howison, Jamison, Jones, Keating Kennedy, Lee, Longwell, Macubin, Manro, Marbury, Massey, Maulsby, McCormick, McKaig, McMaster, McPherson, Merrick, Merryman, Mitchell, Morris, Motter, Murray, Nelson, Nicolai, Page, Parker, Parran, Charles S., Parran, John, Perry, Peters, Pole, Rennolds, Rider, Riggs, Ritchie, Rogers, Roman, Silver, Spates, Starr, Syester, Tarr, Caroline, Tarr, Worcester, Toadvine, Vansant, Walsh, Watkins, of Caroline, Watkins, of Montgomery, Wethered, Wickes, Wilkinson, Whitman.—97.

Mr. Barnes, Chairman of the Committee upon Public Works and Corporations, (by unanimous consent) submitted the following Report:

REPORT OF THE COMMITTEE UPON PUBLIC WORKS AND CORPORATIONS.

ARTICLE—CITY OF BALTIMORE.

Section 1. The inhabitants of the City of Baltimore, qualified by law to vote in said City, for Members of the House of Delegates shall, on the second Wednesday of October, Eighteen Hundred and Sixty-seven, and on the same day, in every four years thereafter, elect a person to be Mayor of the City of Baltimore, who shall have such qualifications, receive such compensation, discharge such duties, and have such powers, as are now, or may hereafter be prescribed by law, and the term of whose office shall commence on the first Monday in November succeeding his election, and shall continue for four years, and until his successor shall have qual-

ified; and he shall be ineligible for the term next succeeding that for which he was elected.

Sec. 2. The City Council of Baltimore shall consist of Two Branches, one of which shall be called the First Branch, and the other, the Second Branch; and each shall consist of such number of members, possessing such qualifications, performing such duties, possessing such powers, holding such terms of office, and elected in such manner, as are now, or may hereafter be prescribed by Law.

Sec. 3. An election for members of the First and Second Branch of the City Council of Baltimore, shall be held in the City of Baltimore on the second Wednesday of October, Eighteen Hundred and Sixty-seven, and for Members of the First Branch on the same day in every year thereafter; and for Members of the Second Branch, on the same day in every second year thereafter; and the qualification for electors of the Members of the City Council shall be the same as those prescribed for the electors of Mayor.

Sec. 4. The Regular Session of the City Council of Baltimore, (which shall be annual) shall commence on the third Monday of January in each year, and shall not continue more than ninety days, exclusive of Sundays, but the Mayor may convene the City Council in extra session whenever and as often as it may appear to him that the public good may require, but no called or extra session shall last longer than twenty days exclusive of Sundays.

Sec. 5. No person elected and qualified as Mayor, or as a member of the City Council, shall during the term for which he was elected hold any other office of profit or trust created, by the Mayor and City Council of Baltimore, or by any law relating to the Corporation of Baltimore, or hold any employments or position, the compensation of which shall be paid directly or indirectly out of the City Treasury, nor shall any such person be interested directly or indirectly, in any contract to which the City is a party, nor shall it be lawful for any person holding any office under the City to be interested while holding such office in any contract to which the City is a party.

Sec. 6. The Mayor shall, on conviction in a Court of law, of wilful neglect of duty, or misbehaviour in office, be removed from office by the Governor of the State, and a successor shall thereafter be elected as in case of vacancy.

Sec. 7. From and after the adoption of this Constitution, no debt (except as hereinafter excepted) shall be created by the Mayor and City Council of Baltimore, nor shall the cred-

it of the Mayor and City Council of Baltimore be given or loaned to, or in aid of any individual association or corporation, nor shall the Mayor and City Council of Baltimore have the power to involve the City of Baltimore in the construction of works of internal improvement, nor in granting any aid thereto, which shall involve the faith and credit of the City, nor make any appropriation therefor, unless such debt or credit be authorized by an act of the General Assembly of Maryland, and by an ordinance of the Mayor and City Council of Baltimore, and be submitted by such ordinance to the legal voters of the City of Baltimore at such time and place as may be fixed by said ordinance, and be approved by a majority of the votes cast at such time and place, but the Mayor and City Council may temporarily borrow any amount of money to meet any deficiency in the City Treasury, or to provide for any emergency arising from the necessity of maintaining the Police, or preserving the safety and sanitary condition of the City, and may make due and proper arrangements and agreements for the removal and extension in whole or in part of any and all debts and obligations created according to law before the adoption of this Constitution.

Sec. 8. That all laws and ordinances now in force applicable to the City of Baltimore, not inconsistent with this article shall be, and they are hereby continued until changed in due course of law.

Sec. 9. Nothing in this article shall prevent the General Assembly of this State from making such changes in this article except in section seventh thereof, as it may deem best, nor shall this article be so construed or taken, as to make the political corporation of Baltimore independent or free from the control which the General Assembly of Maryland has over all such corporations in this State.

Which was read the first time.

At the hour of eleven o'clock A. M., His Excellency, Andrew Johnson, President of the United States, Hon. Wm. H. Seward, Secretary of State, and suite, entered the Hall, escorted by the Committee on Reception appointed on the part of the Convention,—and by His Excellency Governor Swann and Staff.

Mr. Jones, Chairman of the Committee on Reception, then reported as follows :

Mr. President: I have the honor to report, on behalf of the Committee who were charged with the very agreeable duty of meeting the President of the United States and his suite, in the city of Baltimore, that the Committee have per-

formed their duty. Having received the President, the Secretary of State, and his suite, I have now the honor to present them to this Convention. Governor Swann will now formally introduce to the Body your distinguished guests.

Whereupon, the Governor proceeded to the introduction in the following words:

GOVERNOR SWANN'S REMARKS.

MR. PRESIDENT :

In accordance with the unanimous wish of this Convention, as expressed in your resolutions of the 20th instant, I have the honor to present to you his Excellency, Andrew Johnson, President of the United States. I have also the pleasure to present to you on this occasion the Hon. Wm. H. Seward, who accompanied him on his recent agreeable tour to the North. He has come, Mr. President, to accept the hospitality which has been so cordially extended to him by the State of Maryland.

Standing by the side of this great advocate of the people's rights, I am sure I will not be accused of falsehood when I claim for him the homage of a people whose ancestral relations comprise so large a portion of the history of this Government. Unawed by persecution, stripped of the powers, the essential powers conferred by the Constitution upon his high office, powers which he has conscientiously and honestly exercised for the benefit of the whole people, in the interest of patriotism, and not of party, almost within reach of accomplishing the great object of reconstruction, to which his efforts have been directed, he stands here to-day not the less honored because he has failed, from untoward interferences, to accomplish the great object of his mission and duty. The effort, (and I regret to say it in the face of this Convention and the face of the country,) the effort to transfer a whole section of our blessed country from the Anglo Saxon to the African race, to establish the negro in the Governmental control of a large section of our country, cannot be viewed without regret and alarm by the American people. The subordination of the civil to the military power has marked the progress to tyranny and despotism in all ages of the world. Republics, quite as powerful as our own, have fallen beneath the heavy weight of irresponsible military power. Is this to be the fate of this great Republic? I can only say, Mr. President, if such is to be the result, the responsibility is not with Andrew Johnson. The present condition of your country, your prostrate commerce, the foreshadowing of threats which have gone forth of red-handed agrarianism, has not resulted from any power conferred upon the President of the United States. Standing within these ancient

walls, consecrated by so many of the proudest recollections of the past, we may enjoy the privilege here, in the State of Maryland, at least, while not forgetting our duties as Statesmen and Christian men, of doing honor to Andrew Johnson, for in this we renew our pledges to the Constitution which comes down to us from our fathers of the Revolution to which this distinguished man, this uncompromising advocate, and I may say, the friend of popular government throughout the world, has devoted his life.

Then allow me to present these distinguished men to the Convention.

REMARKS OF HON. R. B. CARMICHAEL.

Mr. Carmichael said: Welcome, Mr. President! Thrice welcome to the Capital of the State of Maryland! This greeting throbs in every heart of this Convention, and would have utterance from every lip if it were in the order of procedure. The resolutions which were communicated to you by the Governor received the unanimous vote of this Convention. You are thus assured that, in coming here, you are in the midst of your friends—friends of your policy and your person. In a well regulated Government a respect is paid to those who have the administration of the law that does not attach to their private persons. It is a homage which is paid to the majesty of the law, and the people of Maryland will not be wanting in any proper demonstration to the President of the United States. But, sir, this is not exactly the meaning of this occasion. It was intended to mean that and more than that. It was intended to convey to you and to the country the approbation of this Convention and of this State, for the measures adopted by your administration for the restoration of the Union.

These measures, inaugurated for that purpose, and to bind up the wounds of a bleeding country, were received throughout the State of Maryland with universal acceptance. It was the policy of a wise statesmanship. It was the promptings alike of patriotism and philanthropy. It is not pertinent to this occasion, nor does time serve to enter into any discussion of the merits of that question. History will record its facts—posterity will judge. But it is proper to say that it was welcome here. It poured oil on the troubled waters of this State. It brought men together who had held life-long differences in political opinions. It bound up broken ties of former friendships, and made them firmer and faster. It made us one people, as you here find us of one mind and one heart. Mr. President, I will not detain you, after the exhausting tour you have gone through, with more

remarks. It is sufficient that I should repeat to you the cordial welcome which you have here received.

President Johnson then replied as follows :

PRESIDENT JOHNSON'S SPEECH.

SIR :—In being presented here to-day under these peculiar circumstances, and on a spot which, at an early period of our history, was consecrated to freedom, I confess to you that a reception so kind, and so cordial, and so gratifying, incapacitates me from making suitable acknowledgment ; but I cannot refrain from saying that my visit to this Capital affords me much pleasure—among other reasons, because events have recently transpired which were not the result of any preconceived arrangement or design, but which, it seems to me, were brought about by Providence itself. But a few days since, without any agency on my part, I was called to my native State to participate in a ceremony of great interest to me personally. After my return to Washington I was invited to visit the opposite extreme of the country. When I consider these two events connected with my visit here to-day, it looks to me as the result of a kind and overruling Providence. But the other day it would have been impossible for the Chief Magistrate to travel as far South as I did, and we know from the prejudice existing it would have been unpleasant for my honored friend (Mr. Seward,) to have gone so far in that direction. But when I look at the pleasant incidents connected with our visit to North Carolina, it seems to me, and I trust I am not mistaken in saying, that an era of good will is about to be inaugurated. If I know myself, from the beginning of the late unhappy civil strife, I had but a single object in view, and that was to preserve the harmony, peace and union of these States. It would have been at any time the highest object of my ambition to tie up the bleeding arteries which caused so much blood, and the expenditure of so much money. Now, however, there is a new era, and I trust we shall have peace on earth and good will toward men. I trust the time has come when man is no longer to be set on man, and in the name of God to lift his hand against the throat of his fellow, and that the land that gave a brother birth will be spared from being again drenched with a brother's blood.

To be invited to visit the State of Maryland by a Convention which has a reputation for talent, to be welcomed by the Chairman of your Committee, by the Governor of your State, and by your President, irrespective of party, is peculiarly gratifying to me. The history of Maryland, and especially of Annapolis, is more familiar to you than to me, and therefore it is not necessary for me to indulge in a narration of facts which will last as long as history itself.

If my memory serves me, after we had passed through the Revolutionary struggle for independence, and it was found that the articles of Confederation were not of sufficient strength to secure the Government, the first proposal to remodel the Government under which we now live emanated from this place, and this is the Constitution I have been taught to believe sacred in principle, and for the preservation of which I have periled my all. I now rely on the principle upon which I have always relied, namely: first be convinced that you are right, and thoroughly understand the principle, and then you can rely on it that in pursuit of a correct principle you can never reach a wrong conclusion. Satisfied that the principles of the Constitution would preserve the Union, I never hesitated or debated the question; and when we reflect on the patriotism of those who formed that sacred instrument, and when we know that Washington, the Father of his Country, who, in the language of his eulogist, was "first in war, first in peace, and first in the hearts of his countrymen," was the President of the Convention which formed the Constitution which we are sworn to support, we cannot but feel for it additional veneration. You, gentlemen, of the Convention, now in session at Annapolis, are engaged in a work similar to that which occupied the attention of our forefathers—the task of amending the Constitution. 'Theirs' was undertaken at a time when this nation was comparatively a handful of people, and our boundaries comprised within narrow limits. Our resources were but a miniature of what they now are. That wise man asserted that government was instituted for the convenience of man, and to be accommodated to every emergency, this was to be secured by a Constitution founded on the great principle of civil and religious liberty, not to be overrun or borne down by the majority in a storm of fury and passion.

When the requirements and securities of the Constitution are set at naught by a tyrannical majority, and their will made law, liberty is gone and despotism takes its place.

Amendments to the Constitution are to be made in the mode designated by the instrument itself. Washington, having assisted in making that Constitution, says in his farewell address, that the people should submit to the Constitution as it is, and if there is any objection, its amendments should be made in the mode which the instrument itself provides. Now, if this safeguard is not respected, where is free government? None of it is left. In politics, as in religion, when my facts give out and reason fails, my conviction is strong that truth is mighty and will ultimately triumph. Though I may go down and perish, my proud consolation at the last moment will be that I have done my duty, and this for me will be a sufficient reward. In support of the Constitution

there are other things to which I must allude. Washington helped to make the Constitution, and handed it down as it is. I am proud, I am gratified, that I have it in my power to-day to stand beneath the roof where that great man spoke the Government into existence and laid down the basis of government. Here, on this consecrated ground, by resigning his commission, he set the great example of love, of freedom and of constitutional government by lifting the crown from his head and laying it at the feet of the people. This is the spot where the great act was performed.

It was here that George Washington tendered his resignation as Commander-in-Chief of the colonies as they then existed, and passed from the soldier to the citizen. He taught an admiring world that to be truly great a man must be truly good. This spot claims that honor. Would to God that we had an example of such wisdom and virtue in modern times. It was left for him to set the example. He performed the act that stands out alone and lifts itself above any other act of any other man who ever lived. Hence I am proud to stand here to-day and refer to subjects so familiar to you all. For the kind, for the sympathetic, and, I think I may add, for the sincere and cordial respect manifested here to-day, you have my thanks, the thanks of a heart which will never cease to be grateful as long as the life current animates it. The remembrance of this kindness will ever be green in my memory. I repeat, I do hope and believe an era of good feeling has commenced. Let us all endeavor to feel better and kinder toward one another. I am satisfied if the North and the South were brought into a closer intimacy there would be a better feeling, for the friction would round the sharp corners and remove the asperity which now exists. Let us try to be one people and go on and fulfil our noble destiny, and I trust through the difficulties which we have just passed, a benificent Providence will insure for us a more permanent existence. I will not admit that this nation has completed its mission. We are extending our possessions and power, and though some may be opposed to the extension of our jurisdiction, yet, in my honest conviction, the great principle of government, instead of being too weak, as some contend, to cover a greater area, would, if properly carried out, be strong enough to embrace within its sphere and influence the whole civilized world. We have tried too much to make the public mind assume the direction of invention and discovery. We have been making too much law. If we cease to direct and invent the mind to discovery, and ascertain what the law is, conform our action to it, the world, I am sure, would move in more harmonious motion. The North and the South can work in harmony with the Federal Government. The parts are essential to the whole, and the whole is essential to the

several parts. Without law the machinery will not work smoothly and accomplish the great ends which it was designed to attain.

Pardon me, my friends, for trespassing so long on your patience, and permit me to conclude by repeating that you and the Governor of the State, the members of this Convention, their Committee, and all that you represent, have my sincere thanks and gratitude for the welcome which has been extended to me on the occasion of my visit to the capital of Maryland.

Upon the conclusion of the remarks by the President,

Mr. Dobbin, Chairman of the Committee of Arrangements, stated that the President and party would now be escorted to the Senate Chamber, to receive all who were desirous of paying their respects to His Excellency.

And moved that the Convention do now adjourn.

Whereupon, the President and suite left the Hall,

And the Convention at 12½ o'clock adjourned, until Wednesday, 10th July next, at 10 o'clock A. M.

WEDNESDAY, JULY 10th, 1867.

The Convention met.

Prayer by Rev. Mr. Hammond.

Present at the call of the roll the following members :

Messrs. Carmichael, (President,) Archer, Barnes, Barry, Bell, Bradley, Brent, Brewer, of Baltimore city, Brewer, of Montgomery, Brown, Buchanan, Carter, Chambers, Cosgrove, Cunningham, Denson, Devries, Dobbin, Dorsey, Duvall, Emack, Evans, Farnandis, Ferry, Finley, Flaherty, Galt, Garey, George, Gill, Hall, Henderson, Hoblitzell, Hodson, Horsey, of Somerset, Howard, Howison, Kilbourn, Longwell, Mackubin, Massey, Maulsby, McKaig, McMaster, Merrick, Merryman, Morris, Motter, Murray, Nelson, Parker, John Parran, Perry, Peters, Pleasants, Renolds, Riggs, Ritchie, Spates, Starr, Tarr, of Caroline, Tarr, of Worcester, Thomas, Toadvine, Vansant, Walsh, Watkins, of Montgomery, Wethered, Wickes, Wilkinson, Whitman—71.

The proceedings of Saturday, the 29th inst., were read and approved.

Mr. Howison submitted the following order :

Ordered, That it be entered upon the Journal that Mr. Giddings, of Anne Arundel County, is detained from his seat by sickness;

Which was adopted.

Mr. Denson submitted the following order :

Ordered, That it be noted on the Journal that Mr. Franck is detained at home on account of sickness ;

Which was adopted.

The Convention then resumed the consideration of the unfinished business of Friday, June 28th,

Being the Report of the Committee upon the Legislative Department ;

The question recurring upon the reading of the 39th Section,

Which was read.

Pending the reading of the 40th Section,

Mr. Hall submitted the following amendment :

Strike out the word "five," in third line and insert the word "three ;"

Which was rejected.

The Section was then read.

The 41st, 42d, and 43d Sections were then read.

Pending the reading of the 44th Section,

On motion of Mr. McKaig,

The further consideration thereof was informally postponed.

The 45th Section was then read.

Pending the reading of the 46th Section,

Mr. Merrick submitted the following amendment :

Strike out the whole section.

Pending the consideration of which,

Mr. Wickes submitted the following amendment :

Sec. 46. Strike out all after the word "same," in the 14th line, to the word "and," in the 20th line ;

Pending the consideration of which,

Mr. Barnes (by unanimous consent,) submitted the following order :

Ordered, That a committee of five be appointed by the President to visit the Convention of Teachers now in session in this city, and tender to them our high appreciation of the cause in which they are engaged, and extend to them a cordial invitation to visit, at their convenience, the sittings of this Convention ;

Which was adopted.

Messrs. Barnes, Wethered, Garey, Nelson, and Tarr, of Caroline, were appointed a Committee under the above order.

The Convention then resumed the consideration of the Report of the Committee upon the Legislative Department ;

The question recurring upon the amendment to the 46th Section submitted by Mr. Wickes ;

It was rejected.

The question then recurring upon the amendment submitted to by Mr. Merrick,

It was rejected.

Mr. Pleasants submitted the following amendment :

Sec. 46. Strike out in the third and tenth lines the word "or," and substitute the word "and;" and in the fourth and eleventh lines strike out the words, "or both in the discretion of the court,"

Which was rejected.

The section was then read.

Pending the consideration of the 47th section,

Mr. Buchanan submitted the following amendment :

Strike out the whole section.

Mr. Mackubin submitted the following amendment :

Sec. 47, line 4, strike out the words "household property and,"

Which was adopted.

The question then recurring upon the amendment submitted by Mr. Buchanan,

Mr. Wethered moved that the Convention do now adjourn.

Decided in the negative.

Mr. Barry moved a call of the House,

Which was not sustained.

The question then being upon the adoption of the amendment submitted by Mr. Buchanan,

On motion of Mr. Barry,

The yeas and nays were ordered.

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

Messrs.	Dorsey,	Nelson,
Archer,	Duvall,	Perry,
Barry,	Emack,	Spates,
Bell,	Evans,	Starr,
Brent,	Hoblitzell,	Toadvine,
Buchanan,	Hodson,	Walsh,
Cunningham,	Merrick,	Wethered,
Devries,	Morris,	Wickes—23.

NEGATIVE.

Messrs.	Galt,	Motter,
Carmichael, Pr't.	George,	Murray,
Barnes,	Gill,	Parker,
Bradley,	Hall,	Parran, John,
Brewer, Bal. city.	Henderson,	Peters,
Brewer, of Mot'y,	Horse, of Som.	Pleasants,
Brown,	Howard,	Rennolds,
Carter,	Kilbourn,	Riggs,
Chambers,	Longwell,	Ritchie,
Cosgrove,	Mackubin,	Tarr, of Worc'r,
Denson,	Massey,	Thomas,
Dobbin,	Maulsby,	Vansant,
Farnandis,	McKaig,	Watkins, of Mot'y
Ferry,	McMaster,	Wilkinson,
Flaherty,	Merryman,	Whitman—43.

So the amendment submitted by Mr. Buchanan, was rejected.

The section, as amended, was then read.

Pending the consideration of the 48th section,

Mr. Mackubin moved to strike out the whole section.

Decided in the negative.

The section was then read.

Mr. Thomas submitted the following as an additional section :

Sec. 49. The General Assembly shall appropriate no money out of the Treasury for payment of any private claim

against the State, unless said claim shall have been first presented to the Comptroller of the Treasury, together with the proof on which the same is founded. The Comptroller shall submit said claim to the Attorney-General for his opinion upon the justice thereof, and may direct the State's Attorney of any County, or of the City of Baltimore, to take such further proof either on the part of the State or of the claimants, as the Attorney-General may advise to be necessary to show the nature and character of said claims, and shall report his proceedings with the proof taken to the General Assembly ;

Pending the consideration of which,

Mr. McKaig (by unanimous consent,) submitted the following order :

Ordered, That the use of this Hall be given to George L. Davis, Esq., on Friday evening next, for the purpose of delivering a Lecture on the importance of appointing a Historiographer for the State ;

Which was adopted.

Mr. Barnes, Chairman of the Select Committee to wait upon the Convention of School Teachers, now in the city, (by unanimous consent,) submitted the following report :

The committee appointed to wait upon the Convention of Teachers now in this city, to invite them to visit the sessions of the Convention, have discharged the duty imposed upon them ; the invitation has been accepted, and the Teachers will visit the Convention during the session of to-morrow ;

Which was read.

On motion of Mr. Nelson,

At 3 o'clock P. M., the Convention adjourned.

THURSDAY, July 11, 1867.

The Convention met.

Prayer by Rev. Mr. Leech.

Present at the call of the roll the following members :

Messrs. Carmichael, (President,) Archer, Austin, Barnes, Barry, Bateman, Bell, Bennett, Bradley, Brent, Brewer, of Baltimore city, Brewer, of Montgomery, Brown, Buchanan, Carter, Chambers, Cosgrove, Cover, Cunningham, Denson, Dent, Devries, Dobbin, Dorsey, Duvall, Emack, Evans, Farnandis, Ferry, Finley, Flaherty, Ford, Galt, Garey, George, Gill, Goldsborough, of Talbot, Hall, Hammond, Hoblitzell, Hodson, Hollyday, Horsey, of Frederick, Howard, Howison, Jamison, Janvier, Keating, Longwell, Mac-kubin, Manro, Massey, Maulsby, McCormick, McKaig, McMaster, Merrick, Mitchell, Morris, Motter, Murray, Nelson, Nicolai, Parker, John Parran, Pleasants, Rennolds, Riggs, Ritchie, Spates, Starr, Tarr, of Caroline, Tarr, of Worcester, Thomas, Toadvine, Vansant, Walsh, Watkins, of Caroline, Watkins, of Montgomery, Wethered, Wickes, Whitman—82.

The proceedings of yesterday were read and approved.

Mr. Hall submitted the following order :

Ordered, That from and after Monday next, the Convention, for the dispatch of business, shall meet at 9 o'clock A. M., and continue in session until 2 o'clock P. M., and shall re-assemble at 5 o'clock, and continue in session until 9 o'clock P. M., Saturdays excepted, on which day the Convention may adjourn at 3 o'clock P. M., until Mondays at 10 o'clock A. M.

Pending the consideration of which,

Mr. Tarr, of Worcester, submitted the following Order as a substitute :

Ordered, That this Convention shall hereafter meet at 9 o'clock A. M., continue in session until 1 o'clock P. M., and re-assemble at 3 o'clock P. M., and continue in session until 6 o'clock P. M., until its labors are all performed.

Which was rejected.

The question then recurring upon the Order submitted by Mr. Hall,

On motion of Mr. Buchanan,

The Order was laid on the table.

Mr. Wickes submitted the following Order :

Ordered, That it be entered on the journal, that Mr. Ringgold is detained from his seat in the Convention, by sickness.

Which was adopted.

Mr. Tarr, of Worcester, submitted the following Order :

Ordered, That on and after Tuesday next, this Convention shall meet at 9 o'clock A. M., continue in session until 1 o'clock P. M., re-assemble at 3 o'clock, and continue in session until 6 o'clock, until its labors are performed;

Pending the consideration of which,

Mr. Carter submitted the following Order as a substitute :

Ordered, That on and after July 12th, the hour of meeting of the Convention shall be 9 o'clock A. M.

Which was adopted.

Mr. Motter submitted the following order :

Ordered, That it be entered upon the journal that Mr. Pole, of Washington County, is absent from his seat in the Convention in consequence of sickness in his family;

Which was adopted.

The Convention then resumed the consideration of the unfinished business of yesterday,

Being the Report of the Committee upon the Legislative Department.

The question recurring upon the amendment submitted by Mr. Thomas as an additional Section, to come in as Section 49.

Mr. Horsey, of Frederick, submitted the following amendment :

Insert after the word "State," in 3d line of proposed amendment, in journal, the words "exceeding three hundred dollars;"

Which (by unanimous consent,) was accepted by Mr. Thomas.

Mr. Mackubin submitted the following amendment :

Insert after the word "founded," in line 5, in journal, the words "and reported upon by him," and strike out all there-after ;

Which was adopted.

The amendment as amended,

Was then adopted.

On motion of Mr. Carter,

The Convention then resumed the consideration of the 44th Section, which was on yesterday informally postponed ;

Pending which,

Mr. McKaig submitted the following amendment :

Sec. 44. Strike out all down to the word "all," in line 20, and insert in lieu thereof the words "Corporations may be formed under General Laws, but shall not be created by special act, except for Municipal purposes, and any act of incorporation passed in violation of this section, shall be void. As soon as practicable after the adoption of this Constitution, it shall be the duty of the Governor to appoint three persons learned in the law, to be called Revisors of the Code of Public General Laws, and to hold their office, which shall be one of honor only and not of compensation, for four years ; and until their successors shall be appointed, whose duty it shall be to prepare and report to each regular session of the General Assembly such alterations and amendment of the Code of Public General Laws as may tend to simplify and improve the General Laws, and the administration of justice in the State ; and it shall be the duty of the General Assembly to consider and act upon said report in preference to any other business ; but the Legislature may allow the Revisors for their first report a compensation of five hundred dollars each ;"

Which was rejected.

Mr. Merrick submitted the following amendment :

In section 44 insert in line 15, after the word "purposes," "Provided, that in all cases the Stockholders of private Corporations shall be responsible to an amount equal to the amount of their respective shares of Stock for all the debts and other liabilities of such Corporations ;

Pending the consideration of which,

Mr. Mackubin moved that the further consideration of the Section be informally postponed ;

Pending the consideration of which,

On motion of Mr. Barry,

A call of the House was ordered.

Upon the call of the roll the following members responded to their names : (Mr. Howison in the Chair.)

Messrs. Archer, Austin, Barnes, Barry, Bateman, Bell, Bennett, Brent, Brewer, of Baltimore City, Brewer, of Montgomery, Brown, Buchanan, Carter, Chambers, Cosgrove, Cover, Cunningham, Denson, Dent, Devries, Dobbin, Dorsey, Duvall, Emack, Evans, Farnandis, Ferry, Finley, Flaherty, Ford, Galt, Garey, George, Gill, Goldsborough, of Talbot, Hammond, Hoblitzell, Hollyday, Horsey, of Frederick, Horsey, of Somerset, Howard, Jamison, Janvier, Keating, Longwell, Mackubin, Manro, Massey, Maulsby, McCormick, McKaig, McMaster, Merrick, Mitchell, Morris, Motter, Murray, Nelson, Nicolai, Parker, John Par-ran, Pleasants, Rennolds, Riggs, Ritchie, Spates, Starr, Tarr, of Caroline, Tarr, of Worcester, Thomas, Toadvine, Vansant, Walsh, Watkins, of Caroline, Watkins, of Montgomery, Wethered, Wickes, Whitman—79.

On motion of Mr. Carter,

All further proceedings under the call were dispensed with.

The question then recurring upon the motion submitted by Mr. Mackubin, that the further consideration of the 44th Section be informally postponed ;

It was not sustained.

The question then recurring upon the amendment submitted by Mr. Merrick,

It was rejected.

Mr. Mackubin submitted the following amendment :

Sec. 44. Strike out all after the word "void," in the 6th line, to the word "all" in the 19th line, and add the following as

Sec. 45. As soon as possible after the adoption of this Constitution, it shall be the duty of the Governor to appoint three persons learned in the law, to be called "Revisors of the Code of Public General Laws," and to hold their office for four years, and unless their successors shall be appointed, whose duty it shall be to propose and report in bill form to each regular session of the General Assembly such alterations and amendments to the Code of Public General Laws as may tend to simplify and improve the general laws and the administration of justice in the State ; and it shall be the duty of the General Assembly to consider and act upon said report in preference to any other business. The Legislature may allow the said Revisors a compensation, not exceeding five hundred dollars each, at each regular session of the Legislature.

Pending the consideration of which,

The Convention of Teachers who had been invited under order of the Convention, entered the Hall and were provided with seats.

On motion of Mr. Brewer, of Baltimore City,

A call of the House was ordered.

Present at the call of the roll the following members—
(Mr. Howison in the Chair.)

Messrs. Austin, Barnes, Barry, Bateman, Bell, Bradley, Brent, Brewer, Balt. city, Brown, Buchanan, Carter, Chambers, Cover, Cunningham, Denson, Dent, Devries, Dobbin, Dorsey, Duvall, Emack, Evans, Farnandis, Ferry, Finley, Galt, George, Gill, Goldsborough, of Talbot, Hall, Hammond, Hodson, Hollyday, Horsey, of Frederick, Janvier, Keating, Mackubin, Manro, Massey, Maulsby, McCormick, McMaster, Merrick, Mitchell, Morris, Motter, Murray, Nelson, Nicolai, Parker, Parram John, Pleasants, Rennolds, Riggs, Ritchie, Tarr, of Caroline, Tarr, of Worcester, Thomas, Toadvine, Vansant, Watkins, of Caroline, Watkins, of Montgomery, Wickes, Whitman—85.

Upon the call of the roll.

On motion Mr. Brewer, of Baltimore city,

All further proceedings under the call were dispensed with.

Mr Mackubin moved that the further consideration of the section, together with pending amendments, be informally postponed.

Decided in the negative.

The question then recurring upon the amendment submitted by Mr. Mackubin,

It was rejected.

The section was then read.

The Convention then took up for consideration the Supplementary Report of the Committee upon the Legislative Department, proposing additional sections to the original Report of the Committee.

The question recurring upon the consideration of the first section of said Supplementary Report,

Pending which,

On motion of Mr. Buchanan,

A call of the House was ordered.

Present at the call of the roll the following members :

(Mr. Howison in the Chair.)

Messrs. Archer, Austin, Barnes, Bateman, Bell, Bennett, Bradley, Brent, Brewer, of Baltimore city, Brewer of Montgomery, Brown, Buchanan, Carter, Chambers, Cosgrove, Cover, Cunningham, Denson, Dent, Devries, Dobbin, Dorsey, Duvall, Emack, Evans, Farnandis, Ferry, Finley, Flaherty, Ford, Galt, Garey, George, Gill, Goldsborough, of Talbot, Hall, Hammond, Hoblitzell, Hodson, Hollyday, Horsey, of Frederick, Horsey, of Somerset, Jamison, Janvier, Keating, Mackubin, Manro, Massey, Maulsby, McCormick, McKaig, McMaster, Merrick, Mitchell, Morris, Motter, Murray, Nelson, Nicolai, Parker, John Parran, Pleasants, Rennolds, Riggs, Ritchie, Spates, Starr, Tarr, of Caroline, Tarr, of Worcester, Thomas, Toadvine, Vansant, Walsh, Watkins, of Caroline, Watkins, of Montgomery, Wethered, Wickes, Whitman—78.

Upon the call of the roll,

On motion of Mr. Carter,

All further proceedings, under the call, were dispensed with.

On motion of Mr. Wickes,

The further consideration of the first section was then informally postponed until to-morrow.

The second section, as reported, was then read.

Pending the reading of the 3d section,

Mr. Brewer, of Montgomery, submitted the following amendment :

Strike out the whole section ;

Which was adopted, and the 3d additional section was stricken out.

Mr. Nicolai moved that the Convention do now adjourn ;

Decided in the negative.

Mr. McKaig moved a re-consideration of the vote by which the 41st section of the original report of the Committee was ordered to a second reading ;

Decided in the negative.

Mr. Carter moved that the Convention now proceed to the consideration of the Report of the Committee upon Public Works and Corporations.

On motion of Mr. Jamison,

At 2½ o'clock, P. M., the Convention adjourned.

FRIDAY, July 12th, 1867.

Prayer by Rev. Mr. Hammond.

Present at the call of the roll the following members :

Messrs. Carmichael, (President,) Archer, Austin, Barnes, Barry, Bateman, Bell, Bennett, Bradley, Brent, Brewer, of Baltimore city, Brewer, of Montgomery, Brown, Buchanan, Carter, Chambers, Cover, Cunningham, Dent, Devries, Dobbin, Dorsey, Duvall, Emack, Evans, Farnandis, Ferry, Finley, Flaherty, Ford, Galt, Garey, George, Gill, Goldsborough, of Talbot, Hall, Hammond, Henderson, Hoblitzell, Hodson, Hollyday, Horsey, of Frederick, Horsey of Somerset, Howard, Howison, Ireland, Jamison, Janvier, Keating, Kilbourn, Lee, Longwell, Mackubin, Manro, Massey, Maulsby, McCormick, McKaig, McMaster, Merrick, Mitchell, Morris, Motter, Murray, Nelson, Nicolai, Parker, John Parran, Perry, Pleasants, Rennolds, Rider, Riggs, Ritchie, Roman, Spates, Starr, Syester, Tarr, of Caroline, Thomas, Toadvine, Vansant, Walsh, Watkins, of Caroline, Watkins, of Montgomery, Wethered, Wickes—84.

The proceedings of yesterday were read and approved.

Mr. McMaster presented the remonstrance of W. J. S. Clarke, Samuel D. Melvin, James A. Melvin and fifty other citizens of Worcester county, against the formation of proposed new county out of portions of Somerset and Worcester counties ;

Which was read, and,

On motion of Mr. McMaster,

Referred to select Committee upon that subject.

Mr. Farnandis presented the memorial of the Public School State Teachers' Association ;

Which was read.

Mr. Farnandis moved to lay the memorial on the table.

Mr. McMaster demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Ford,	Motter,
Archer,	Galt,	Murray,
Barry,	Goldsborough, T.	Nelson,
Bateman,	Janvier,	Parran, John,
Bell,	Keating,	Pleasants,
Buchanan,	Kilbourn,	Riggs,
Carter,	Lee,	Ritchie,
Cover,	Longwell,	Starr,
Cunningham,	Mackubin,	Syester,
Dobbin,	Manro,	Thomas,
Evans,	Maulsby,	Toadvine,
Farnandis,	Merrick,	Vansant,
Finley,	Mitchell,	Walsh—38.

NEGATIVE.

Messrs.	Gill,	McCormick,
Carmichael, P't,	Hall,	McKaig,
Austin,	Hammond,	McMaster,
Barnes,	Hoblitzell,	Morris,
Bennett,	Hodson,	Parker,
Bradley,	Hollyday,	Perry,
Brown,	Horsey, of Fred.	Rennolds,
Devries,	Howard,	Spates,
Dorsey,	Howison,	Watkins, of Mo.
Duvall,	Jamison,	Wickes—30.
Emack,		

So the motion submitted by Mr. Farnandis prevailed,

And the memorial was laid on the table.

Mr. Watkins, of Montgomery, submitted the following order :

Ordered, That on and after Monday, the 15th inst., this Convention shall have two sessions per day, beginning at 9½ A. M., and 4½ o'clock, P. M.;

Which, on motion, of Mr. Buchanan,

Was laid on the table.

Mr. Maulsby gave notice that he would, on Monday next, submit an order, that the Convention hold two daily sessions, beginning at 10 o'clock, A. M., and 8 o'clock, P. M.

Mr. Barnes, Chairman of the Committee upon Public Works and Corporations, submitted the following Report :

ARTICLE — —PUBLIC WORKS.

SECTION 1. The Governor, the Comptroller of the Treasury, and the Treasurer, shall constitute the Board of Public

Works in this State. They shall keep a journal of their proceedings, and shall hold regular sessions in the city of Annapolis on the first Wednesday in January, April, July and October, in each year, and oftener if necessary ; at which sessions they shall hear and determine such matters as affect the Public Works of the State, and as the General Assembly may confer upon them the power to decide.

SEC. 2. They shall exercise a diligent and faithful supervision of all Public Works in which the State may be interested as stockholder or creditor, and shall, except where herein otherwise provided, appoint the Directors in every rail road or canal company in which the State has the legal power to appoint Directors, which said Directors shall represent the State in all meetings of the stockholders of every rail road or canal company in which the State is a stockholder. They shall require the Directors of all said Public Works (to guard the public interest, and prevent the establishment of tolls which shall discriminate against the interest of the citizens or products of this State) and shall from time to time, and as often as there shall be any change in the rates of toll on any of the said Works, to furnish said Board of Public Works a schedule of such modified rates of toll, and so adjust them as to promote the agricultural interests of the State, they shall report to the General Assembly at each regular session, and recommend such legislation as they may deem necessary and requisite to promote or protect the interests of the State in the said Public Works ; they shall perform such other duties as may be hereafter prescribed by law ; and a majority of them shall be competent to act. The Governor, Comptroller and Treasurer, shall receive no additional salary for services rendered by them as members of the Board of Public Works.

Sec. 3. Unless the General Assembly of this State shall otherwise direct by law, the Trustees named in a Deed of Mortgage from the Chesapeake and Ohio Canal Company, to Phineas Janney and others, executed on the 5th day of June, 1848, in pursuance of the Act of Assembly of 1844, Chapter 281, and their successors shall be authorized and empowered until the first Monday in June, 1883, to cast the vote of the State of Maryland as a Stockholder in the Chesapeake and Ohio Canal Company, at all meetings of the Stockholders of said Company.

Provided, however, that no person shall be chosen as President of the said Company who shall not have been for five years immediately preceding his election a citizen and resident of the State of Maryland, and *provided* further, that of the six Directors authorized to be elected by the charter of said Company, five shall have been for five years imme-

diately preceding their respective elections citizens of the State of Maryland, and three of them for the term aforesaid residents of the Counties of Allegany, Washington, Frederick or Montgomery, and one a resident of the District of Columbia, but not more than two of the said Directors shall be at the time of their election residents of the same county ; and *provided*, that two of the six Directors aforesaid, voted for and appointed by the said Trustees, shall be such persons as may be nominated in writing by the Board of Public Works. During the whole of the time for which said trustees and their successors, are so authorized and empowered to cast the vote of the State as a Stockholder in said Canal Company, it shall be the duty of the said President and Directors to keep the said Canal in good navigable order and repair for permanent use, to provide the necessary supply of water and to pay the salaries of the officers and current expenses of the Company, before any of the tolls and revenue shall be otherwise applied by them, and to comply in all respects with the provisions of the Act of 1867, chapter 359, not inconsistent with this article. If at any time prior to said first Monday of June 1883, the principal of said bonds, including the unpaid interest thereon already accrued, when funded in accordance with the provisions of the Act of 1867, chapter 359, and the interest hereafter to fall due, shall be paid by the said Canal Company, or redeemed by the State as authorized by the tenth section of said act of 1844, chapter 281, or if at any time prior to said first Monday in June, 1883, the sinking fund provided by said acts of 1844, chapter 281, and 1867 chapter 359, shall be equal to the amount of said bonds, principal and interest, the provisions of this section shall become inoperative, and the vote of the State of Maryland as a Stockholder in the said Canal Company shall thereafter be cast by the Board of Public Works. This section may be at any time repealed by the General Assembly.

Sec. 4. The Board of Public Works is hereby authorized to exchange the State's interest as Stockholder and creditor in the Baltimore and Ohio Rail Road Company for an equal amount of the bonds or registered debt now owing by the State, but in so doing shall exchange all the preferred stock first; and the said Board is authorized, subject to such regulations and conditions as the General Assembly may from time to time prescribe, to sell the State's interest in the other works of Internal Improvement, whether as a Stockholder or a creditor, and also the State's interest in any banking corporation, receiving in payment the bonds and registered debt now owing by the State, equal in amount to the price obtained for the State's said interest; *provided*, that the interest of the State in the Washington Branch of the Baltimore and Ohio Rail Road be re-

served and excepted from sale ; and *provided further*, that no sale or contract of sale of the State's interest in the Chesapeake and Ohio Canal, the Chesapeake and Delaware Canal, and the Susquehanna and Tide-Water Canal Companies shall go into effect until the same shall be ratified by the ensuing General Assembly.

Which was read a first time.

Mr. Ritchie, from the Committee upon the Judiciary Department, submitted the following Minority Report :

MINORITY REPORT UPON PART FOUR AND PART FIVE OF THE JUDICIARY DEPARTMENT.

PART IV.—COURTS OF BALTIMORE CITY.

SECTION.—There shall be in the Eighth Judicial Circuit, six Courts, to be styled the Superior Court of Baltimore city, the Court of Common Pleas, the Circuit Court of Baltimore city, the Criminal Court of Baltimore, the Baltimore City Court, and the Supreme Bench of Baltimore city ; each Court, except the Supreme Bench of Baltimore city, shall consist of one Judge, who shall be elected by the legal and qualified voters of said city, at the election hereinbefore provided, and shall hold his office for the term of _____ years, subject to the provisions of this Constitution with regard to the election and qualification of Judges, and their removal from office, and shall exercise the jurisdiction hereinafter specified.

SEC.—Each of the said Judges shall receive an annual salary of five thousand dollars (\$5,000), payable quarterly, which shall not be diminished during his term of office.

SEC.—The Superior Court of Baltimore City shall have jurisdiction over all suits where the debt or damage claimed, exclusive of interest, shall exceed the sum of one thousand dollars (\$1,000), and in case any plaintiff or plaintiffs, shall recover less than the sum or value of one thousand dollars (\$1,000), he or they shall be allowed or adjudged to pay costs, in the discretion of the Court. The said Court shall also have jurisdiction in all other civil cases, except in equity, which are not hereinafter assigned to the Court of Common Pleas, or to Baltimore City Court.

SEC.—The Court of Common Pleas shall have civil jurisdiction in all suits where the debt or damage claimed, exclusive of interest, shall be over one hundred dollars (\$100), and shall not exceed one thousand dollars (\$1,000) ; in actions of replevin where the appraised value of the property in controversy exceeds one hundred dollars (\$100), and does not exceed one thousand dollars (\$1,000), and in all applications for the benefit of the insolvent laws of this State, and the supervision and control of the Trustees thereof.

SEC. — The Circuit Court of Baltimore City shall have jurisdiction in all cases in equity within the limits of said City, and in cases arising under the act to direct descents and its supplements, and shall exercise all the power that is now conferred by law, *provided*, said Court shall not have jurisdiction in applications for the writ of *habeas corpus*, in cases of persons charged with criminal offences.

SEC. — The Criminal Court of Baltimore shall have and exercise all the jurisdiction now held and exercised by the Criminal Court of Baltimore, except in such cases as are hereinafter assigned to Baltimore City Court.

SEC. — The Baltimore City Court shall have jurisdiction in all cases of appeal, whether civil or criminal from the judgment of Justices of the Peace in said City, and in all cases of appeals from the commissioners for opening streets, and shall also have jurisdiction in all cases of assault and battery, for keeping a disorderly house, and for violation of the license laws of the State; in all such cases the party charged shall be tried upon the commitment, or recognizance of the Justice of the Peace as the case may be, without indictment, but the Judge of the Court or the State's Attorney of Baltimore City may direct the witnesses for the prosecution in any such case to be recognized to appear before the grand jury, and may commit or hold the traverser to bail, to appear and answer before the Criminal Court of Baltimore City.

SEC. — The Judges of the Superior Court of Baltimore City, the Court of Common Pleas, the Criminal Court of Baltimore, and the Baltimore City Court shall constitute the Supreme Bench of Baltimore City, of which the Judge of the Superior Court shall be the Chief Justice, and any three of said Judges shall constitute a quorum. In the granting, hearing and determination of motions for new trial, and in arrest of judgment, the Supreme Bench shall have jurisdiction concurrent with each of said Courts, and shall hear and determine the same, at the election of either party, or upon the order of the Judge in whose court such motion or motions shall have been made, and its judgment thereon shall be certified to, and taken as the judgment of such other court; and the Supreme Bench shall have such other jurisdiction as may hereafter be provided by law.

SEC. — In case of the absence, sickness, or disability of any one or more of the Judges of the aforesaid six courts, except the Supreme Bench of Baltimore City, or when the accumulation of business and the dispatch thereof in any one or more of said courts, or the public interest shall make it expedient, it shall be the duty of the said Judges, as the case may require, to act in the stead of, or concurrently with such one or more of

said Judges, either jointly, or in separate session, and either in court or in chambers, and any Judge or Judges, so supplying the place of, or assisting such other Judge, shall respectively, for the time being, exercise a concurrent jurisdiction in the court in which he or they may so officiate, and possess concurrently the powers of the Judge with whom, or in whose stead, he or they may so be acting.

SEC. — The Supreme Bench of Baltimore City shall prescribe such rules as may be needful to provide for its frequent sessions and the prompt hearing and determination of motions as hereinbefore provided ; and to define the mode in which the Judges of the said several courts shall be deputed, or assigned to act in each others' stead, and assist in discharging each others' duties, so as to promote the dispatch of the entire business of said several courts, but the General Assembly may, at all times, change and abolish such rules and prescribe others.

SEC. — All causes depending, at the adoption of this Constitution in the several courts of Baltimore City, in respect to which a change of jurisdiction is made by this Article, shall be transferred to the courts, respectively, which, under this Constitution, have jurisdiction in similar cases, and prosecuted to final judgment, as though the jurisdiction had not been changed.

SEC. — There shall be a clerk of each of the said Courts of Baltimore City, except the Supreme Bench, who shall be elected by the legal and qualified voters of said City, at the election for Judges hereinbefore provided, and shall hold his office for six years from the time of his election, and until his successor is elected and qualified, and be re-eligible thereto, subject to be removed for wilful neglect of duty, or other misdemeanor in office, on conviction in a court of law. The salary of each of the said clerks shall be the amount hereinbefore provided, payable quarterly out of the fees and receipts collected by the clerks of said city, and they shall be entitled to no other perquisites or compensation. In case of a vacancy in the office of clerk of any of the said courts, the Judge of said court shall have power to fill such vacancy, until the general election of Delegates to the General Assembly, to be held next thereafter, when a clerk of said court shall be elected to serve for six years thereafter.

SEC. — The Clerk of the Court of Common Pleas shall have authority to issue within said city, all marriage and other licenses required by law, subject to such provisions as are now or may hereafter be prescribed by law. The Clerk of the Superior Court of said city shall receive and record all Deeds, Conveyances, and other papers, which are or may be required by law, to be recorded in said city.

He shall also have custody of all papers connected with the proceedings on the Law or Equity side of Baltimore County Court, and of the Dockets thereof, so far as the same have relation to the City of Baltimore; and shall also discharge the duties of Clerk to the Supreme Bench of Baltimore City, unless otherwise provided by law.

SEC.—The General Assembly shall, whenever it may think the same proper and expedient, provide by law another Court for the City of Baltimore, to consist of one Judge, who shall be subject to the same constitutional provisions, hold his office for the same term of years, and receive the same compensation as the Judge of the Superior Court of said city; and the said Court shall have such jurisdiction and powers as may be prescribed by law, and the Judge thereof may be constituted a member of the Supreme Bench of said city. And the General Assembly may re-apportion the jurisdiction among the several Courts in Baltimore City, from time to time, as in its judgment the public interest and convenience may require.

PART V—ORPHANS' COURT.

SEC. — There shall be an Orphans' Court in the City of Baltimore, which shall consist of three Judges, who shall be elected by the qualified voters of said city, on the Tuesday next after the first Monday in the month of November, 1867. One of the said Judges first elected shall hold his office for two years, one for four years, and one for six years; and at the first meeting after their election and qualification, or as soon thereafter as practicable, they shall determine by lot which of their number shall hold his office for two, four and six years, respectively, and thereafter there shall be elected as aforesaid at each general election for Delegates to the General Assembly, in said city, one Judge to serve for the term of six years. No person shall be elected Judge of the Orphans' Court unless he be, at the time of his election, a citizen of the United States, and resident for twelve months, and a qualified voter, in said city. Each of said Judges shall receive such compensation, to be paid by the said city, as is now or may hereafter be prescribed by the General Assembly.

SEC. — In case of the death, resignation, removal or disqualification of a Judge of the Orphans' Court; the Governor by and with the advice and consent of the Senate, shall appoint a person duly qualified to fill said office for the residue of the term thus made vacant.

The said Orphans' Court shall have all the powers now vested by law in the Orphans' Court of Baltimore City, subject to such changes as the General Assembly may prescribe, and shall have such other jurisdiction as may, from time to time, be provided by law.

Which was read a first time.

The Convention then resumed the consideration of the unfinished business of yesterday.

The question recurring upon the motion submitted by Mr. Carter, on yesterday, to take up for consideration the Report of the Committee upon Public Works and Corporations ;

Pending the consideration of which,

The question being upon sustaining the motion,

Mr. Nelson demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

Messrs.	Ford,	Merrick,
Carmichael, Pre't	Galt,	Mitchell,
Archer,	Gill,	Morris,
Austin,	Goldsborough, T.	Motter,
Barnes,	Hall,	Murray,
Barry,	Hammond,	Nelson,
Bateman,	Hoblitzell,	Parker,
Bell,	Hodson,	Parran, John,
Bennett,	Howard,	Perry,
Brown,	Howison,	Pleasants,
Buchanan,	Jamison,	Rennolds,
Carter,	Janvier,	Riggs,
Cover,	Keating,	Ritchie,
Cunningham,	Kilbourn,	Spates,
Dent,	Lee,	Starr,
Devries,	Longwell,	Syester,
Dobbin,	Mackubin,	Thomas,
Dorsey,	Manro,	Toadvine,
Emack,	Maulsby,	Watkins, of Mo.
Evans,	McCormick,	Wethered,
Farnandis,	McKaig,	Wickes—64.
Finley,	McMaster,	

NEGATIVE.

Messrs.	Duvall,	Vansant,
Bradley,	Hollyday,	Walsh—6.
Brent,		

So the motion was concurred in, and the Convention proceeded to the consideration of the Report of the Committee upon Public Works and Corporations.

Pending the reading of the first section,

Mr. McKaig submitted the following amendment :

Section 1, line 3, strike out the word "seven," and insert the word "eight ;"

Which was rejected.

The 1st Section was then read.

Pending the reading of the 2d Section,

Mr. Carter submitted the following amendment :

Sec. 2. Insert after the word "qualification," in line 4, the words "receiving such compensation ;"

Which was adopted.

The 2d Section as amended was then read.

The 3d, 4th, 5th, 6th, 7th, 8th and 9th Sections were then read.

The Report as amended was then read a second time, and ordered to be engrossed, and referred to the Committee upon Revision and Compilation, to be prepared for a third reading and final action of the Convention.

The Convention then proceeded to the consideration of the Report of the Committee upon the Legislative Department ;

Pending which,

Mr. Archer submitted the following amendment, to come in as an additional section to the Supplementary Report :

Sec. —. The General Assembly shall pass no law suspending the privilege of the writ of *Habeas Corpus* ;

Which was adopted.

Mr. Brewer, of Montgomery, submitted the following amendment :

Strike out the first additional Section, Supplementary Report.

On motion of Mr. Brewer, of Baltimore City,

The further consideration of the Report was postponed and made the order of the day for Tuesday next, at 2 o'clock, P. M.

The Convention then proceeded to the consideration of the Report of the Committee upon a Proper Basis of Representation in the two Houses of the General Assembly, and a Proper Apportionment of Representation in the same ;

Pending which,

Mr. Dent moved that the further consideration of the Report be postponed until Monday next ;

Decided in the negative.

Mr. Mackubin submitted the following amendment :

Sec. 1st. Strike out after the word "and," the words "from each of the three Legislative Districts of"—and after the word "Baltimore," in the 3d line, the words "as they now exist, or may hereafter be defined;"

Pending the consideration of which,

The question recurring upon its adoption,

On motion of Mr. Mackubin,

The yeas and nays were ordered.

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

Messrs.	Ford,	Mackubin,
Carmichael, P't.	Goldsborough, D.	Morris,
Archer,	Goldsborough, T.	Motter,
Devries,	Hall,	Page,
Duvall,	Lee,	Tarr, of Car.—14.

NEGATIVE.

Messrs.	Finley,	McMaster,
Austin,	Flaherty,	Merrick,
Barnes,	Galt,	Mitchell,
Bateman,	Garey,	Murray,
Bell,	George,	Nelson,
Bennett,	Gill,	Nicolai,
Bradley,	Hammond,	Parker,
Brent,	Henderson,	Parran, John
Brewer, of B. city,	Hoblitzell,	Perry,
Brewer, of Mont.	Hodson,	Pleasants,
Brown,	Hollyday,	Rennolds,
Buchanan,	Horse, of Fred.	Rider,
Carter,	Horse, of Som.	Riggs,
Chambers,	Howard,	Ritchie,
Cosgrove,	Ireland,	Roman,
Cover,	Janvier,	Spates,
Cunningham,	Keating,	Syester,
Dent,	Kilbourn,	Thomas,
Dobbin,	Longwell,	Toadvine,
Dorsey,	Manro,	Vansant,
Emack,	Massey,	Walsh,
Evans,	Maulsby,	Watkins, of Car.
Farnandis,	McCormick,	Watkins, M.
Ferry,	McKaig,	Wethered—71.

So the amendment submitted by Mr. Mackubin was rejected.

The section was then read.

Pending the reading of the 2d section,

Mr. Nicolai submitted the following amendment :

Sec. 2. Strike out the word "six," in line nine, and insert the word "seven ;"

Which was rejected.

The 2d section was then read.

Pending the reading of the 3d section,

Mr. Mackubin submitted the following amendment as a substitute :

"Sec. 3. The Legislature at its first session after the returns of the national census of eighteen hundred and seventy are published, and in like manner after each subsequent census, shall apportion the members of the House of Delegates among the several counties of the State, according to the population of each, and shall always allow to the City of Baltimore four more Delegates than are allowed to the most populous county, but no county shall be entitled to less than two members, nor shall the whole number of Delegates ever exceed eighty, or be less than sixty-five, and until the apportionment is made under the census of eighteen hundred and seventy, St. Mary's county shall be entitled to two Delegates, Kent, two, Anne Arundel, three, Calvert, two, Charles, two, Baltimore county, six, Talbot, two, Somerset, four, Cecil, three, Prince George's three, Queen Anne's, two, Worcester, three, Frederick, six, Harford, three, Caroline, two, Baltimore City, ten, Washington, five, Montgomery, two, Allegany, four, Carroll, three, and Howard, two."

Which was rejected.

Mr. Archer submitted the following amendment :

Sec. 3. Strike out all after the word "thousand," in line 14, to the word "souls," in line 16, and strike out the word "seven," in line 17, and insert "six," in lieu thereof ;

Pending the consideration of which,

The question recurring upon its adoption,

Mr. Archer demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Ford,	Motter,
Carmichael, P't,	Galt,	Nelson,
Archer,	Goldsborough, D.	Nicolai,

Austin,	Goldsborough, T.	Page,
Bateman,	Hall,	Parker,
Bradley,	Hammond,	Perry,
Brent,	Hoblitzell,	Rider,
Brewer, of Mo'y.	Hollyday,	Roman,
Carter,	Howard,	Spates,
Chambers,	Ireland,	Syester,
Cover,	Jamison,	Tarr, of Caroline,
Cunningham,	Lee,	Thomas,
Devries,	Mackubin,	Walsh,
Duvall,	Manro,	Watkins, of Car.
Emack,	Massey,	Watkins, of M'y,
Evans,	McKaig,	Wickes—49.
Farnandis,	Morris,	

NEGATIVE.

Messrs.	Flaherty,	McMaster,
Barnes,	Garey,	Merrick,
Barry,	George,	Mitchell,
Bell,	Gill,	Murray,
Bennett,	Henderson,	Parran, John,
Brewer, B. city.	Hodson,	Pleasants,
Brown,	Horse, of F'k.	Rennolds,
Buchanan,	Howison,	Riggs,
Dent,	Janvier,	Ritchie,
Dobbin,	Kilbourn,	Starr,
Dorsey,	Longwell,	Toadvine,
Ferry,	Maulsby,	Vansant,
Finley,	McCormick,	Wethered—38.

So the amendment submitted by Mr. Archer was adopted.

Mr. Nicolai moved a reconsideration of the vote by which the amendment submitted by Mr. Archer to the 3d Section was adopted.

On motion of Mr. Wickes,

A call of the House was ordered.

Upon the call of the roll the following members responded to their names :

Messrs. Carmichael, (President,) Archer, Austin, Barnes, Barry, Bateman, Bell, Bradley, Brent, Brewer, of Baltimore City, Brewer, of Montgomery, Brown, Buchanan, Carter, Chambers, Cosgrove, Cover, Cunningham, Dent, Devries, Dobbin, Dorsey, Duvall, Emack, Evans, Farnandis, Ferry, Finley, Flaherty, Ford, Galt, Garey, George, Gill, Goldsborough, of Dorchester, Goldsborough, of Talbot, Hall, Hammond, Henderson, Hoblitzell, Hodson, Hollyday, Horse, of Frederick, Horse, of Somerset, Howard, Howison, Ireland, Jamison, Janvier, Keating, Lee, Longwell, Mackubin, Manro, Massey, Maulsby, McCormick, Mc-

Kaig, McMaster, Merrick, Mitchell, Morris, Motter, Murray, Nelson, Nicolai, Parker, John Parran, Perry, Pleasants, Rennolds, Rider, Riggs, Ritchie, Spates, Starr, Syester, Tarr, of Caroline, Thomas, Toadvine, Vansant, Walsh, Watkins, of Caroline, Watkins, of Montgomery, Wethered, Wickes—86.

Upon the call of the roll,

On motion of Mr. Carter,

All further proceedings under the call were dispensed with.

Mr. Watkins, of Montgomery, demanded the previous question.

Mr. Garey moved that the Convention do now adjourn ;

Decided in the negative.

The question then recurred upon the motion submitted by Mr. Watkins, of Montgomery ;

The question then being :

“Shall the previous question be now put ;”

It was sustained.

The question then recurring upon the motion submitted by Mr. Nicolai, to reconsider the vote by which the amendment submitted by Mr. Archer, to the 3d Section was adopted.

The question being upon concurring in the motion,

Mr. Horsey, of Frederick, demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Garey,	Mitchell,
Barnes,	George,	Murray,
Barry,	Gill,	Nicolai,
Bell,	Henderson,	John Parran,
Bennett,	Horsey, of Fred'k	Rennolds,
Brewer, B. city.	Howison,	Ritchie,
Brown,	Ireland,	Roman,
Buchanan,	Janvier,	Spates,
Dent,	Kilbourn,	Starr,
Dobbin,	Longwell,	Tarr, of Caroline,
Dorsey,	Maulsby,	Toadvine,
Ferry,	McCormick,	Vansant,
Finley,	McMaster,	Wethered—40.
Flaherty,	Merrick,	

NEGATIVE.

Messrs.	Farnandis,	Massey,
Carmichael, P't.	Ford,	McKaig,
Archer,	Galt,	Morris,
Austin,	Goldsborough, D.	Motter,
Bateman,	Goldsborough, T.	Nelson,
Bradley,	Hall,	Page,
Brent,	Hammond,	Parker,
Brewer, of Mont.	Hoblitzell,	Perry,
Carter,	Hodson,	Pleasants,
Chambers,	Hollyday,	Rider,
Cosgrove,	Horsey, of Som't.	Riggs,
Cover,	Howard,	Syester,
Cunningham,	Jamison,	Walsh,
Devries,	Keating,	Watkins, of Car.
Duvall,	Lee,	Watkins, of M.
Emack,	Mackubin,	Wickes—48.
Evans,		

So the motion submitted by Mr. Nicolai,

Was not concurred in.

The Report was then read a 2d time.

Mr. Carter moved that the Report be ordered to be engrossed for a third reading.

Mr. Rennolds moved that the Convention do now adjourn.

Decided in the negative.

The question then recurring upon sustaining the motion submitted by Mr. Carter, that the Report be ordered to be engrossed for a third reading.

On motion of Mr. Nicolai,

The yeas and nays were ordered.

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Finley,	Maulsby,
Carmichael, P't.	Ford,	McCormick,
Archer,	Galt,	McKaig,
Austin,	Gill,	McMaster,
Barnes,	Goldsborough, D.	Merrick,
Bateman,	Hall,	Mitchell,
Bennett,	Hammond,	Morris,
Bradley,	Hoblitzell,	Motter,
Brent,	Hodson,	Murray,
Brewer, of Mont.	Hollyday,	Nelson,
Carter,	Horsey, of Fred.	Page,

Chambers,	Horsey, of S'mt.	Parker,
Cosgrove,	Howard,	Parran, John
Cover,	Howison,	Perry,
Cunningham,	Ireland,	Pleasants,
Dent,	Jamison,	Rider,
Devries,	Janvier,	Riggs,
Dobbin,	Keating,	Spates,
Dorsey,	Kilbourn,	Toadvine,
Duvall,	Lee,	Walsh,
Emack,	Longwell,	Watkins, of Car.
Evans,	Mackubin,	Watkins, M.—67.
Farnandis,	Massey,	

NEGATIVE.

Messrs.	Flaherty,	Ritchie,
Bell,	Garey,	Starr,
Brewer, B. city,	George,	Vansant,
Brown,	Goldsborough, T.	Wethered,
Buchanan,	Henderson,	Wickes—16.
Ferry,	Nicolai,	

So the motion submitted by Mr. Carter was concurred in, and the Report was ordered to be engrossed for a third reading.

Pending the call of the yeas and nays, on above motion,

Mr. Barnes asked to be excused from voting ;

Which was not granted.

Mr. Nelson (by unanimous consent) submitted the following order :

Ordered, That it be entered on the Journal, that Dr. McPherson has been detained from his seat since the recess, and is still detained by sickness in his family ;

Mr. Brewer, of Baltimore City, (by unanimous consent) submitted the following resolution :

Resolved, That the thanks of this Convention are due and are hereby tendered to Messrs. Folger, Cannon & Co., and the officers of the Individual Enterprise Steamboat Line, for the courtesy and accommodation extended by them to the State of Maryland on the occasion of the visit of the President of the United States to this Capital.

Which was read a first time.

On motion of Mr. Wickes,

The vote by which the 2d section of the Supplementary Report of the Committee upon the Legislative Department was ordered to a second reading,

Was reconsidered, when

Mr. Wickes submitted the following amendment :

Strike out the second of the additional sections and insert :

No county of this State shall contract any debt or obligation in the construction of any Rail Road, Canal or other work of Internal Improvement, nor give or loan its credit to or in aid of any association or combination, unless authorized by an act of the General Assembly, which shall be published for two months before the next election for members of the House of Delegates, in the newspapers published in each county, and shall also be approved by a majority of all the members elected to each House of the General Assembly at its next session after said election ;

Pending the consideration of which,

(By unanimous consent,) Mr. Brewer, of Baltimore City, submitted the following order :

Ordered, That when the Convention adjourn to-day it stand adjourned until Monday morning at 10 o'clock ;

Which was read.

On motion of Mr. Carter,

The Convention, at 3 o'clock, P. M., adjourned.

SATURDAY, July 13th, 1867.

The Convention met.

Prayer by Rev. Mr. Leech.

Present at the call of the roll the following members:

Messrs. Carmichael, (President,) Archer, Austin, Barry, Bateman, Bell, Bennett, Bradley, Brent, Brewer of Montgomery, Brown, Buchanan, Carter, Chambers, Cosgrove, Cover, Cunningham, Dent, Dobbin, Farnandis, Ferry, Finley, Flaherty, Galt, Gill, Goldsborough, Dorchester, Goldsborough, of Talbot, Hall, Hammond, Henderson, Hoblitzell, Hodson, Hollday, Howard, Howison, Hubbard, Ireland, Jamison, Keating, Lee, Longwell, Mackubin, Marbury, Massey, Maulsby, McCormick, McKaig, McMaster, Merrick, Mitchell, Morris,

Motter, Murray, Page, Parker, John Parran, Perry, Pleasants, Rennolds, Rider, Ritchie, Spates, Starr, Syester, Tarr, Worcester, Toadvine, Vansant, Walsh, Watkins, of Caroline, Wethered—69.

The proceedings of yesterday were read and approved.

Mr. Ritchie submitted the following order:

Ordered, That when this Convention adjourns to-day, it adjourns to meet on Monday at 10½, A. M.;

Which was adopted.

Mr. Farnandis submitted the following order:

Ordered, That it be entered on the Journal that Mr. Evans is detained from his seat by sickness in his family;

Which was adopted.

Mr. McMaster submitted the following order:

Ordered, That it be entered on the Journal that Mr. Franklin, of Worcester, is detained from his seat by sickness.

Which was adopted.

The hour having arrived for taking up the unfinished business of yesterday, the Convention resumed the consideration of the resolution submitted by Mr. Brewer on yesterday, which was then read a second time and unanimously adopted.

The Convention then took up for consideration the Report of the Committee upon the Judiciary Department, said report being upon a second reading.

Pending the reading of the 1st Section,

Mr. Dobbin moved that the further consideration of the report be postponed until Monday next.

Decided in the negative.

The 1st Section was then read.

Pending the reading of the 2d Section,

Mr. Longwell submitted the following amendment:

Sec. 2. Strike out all after the word "years," in the 3d line, to the word "they," in the 6th line;

Which was rejected.

Mr. Carter submitted the following amendment:

Sec. 2, line 3. Strike out the words "one year," and insert the words "six months;"

Pending the consideration of which,

Mr. Mitchell moved that the Convention do now adjourn.
Decided in the negative.

Mr. Gill submitted the following amendment:

Sec. 2. Strike out the words "not less than one year next preceding," in 3d and 4th lines, and insert "shall reside at the time of;"

Pending the consideration of which,

Mr. Barry moved that the Convention do now adjourn.

Decided in the negative.

Mr. Ireland moved the call of the House.

Decided in the negative.

The question then recurring upon the amendment submitted by Mr. Gill,

Mr. Bateman demanded the previous question.

The question then being:

"Shall the previous question be sustained?"

It was decided in the affirmative.

The question then recurring upon the amendment submitted by Mr. Gill,

It was rejected.

The question then recurring upon the amendment submitted by Mr. Carter,

It was adopted.

Mr. John Parran submitted the following amendment:

Sec. 2, line 3. Strike out the word "five," and insert the word "ten;"

Which was rejected.

Mr. Carter submitted the following amendment:

Sec. 2, line 2. Strike out the word "thereof," and insert the words "under this Constitution;"

Which was adopted.

The 2d Section, as amended, was then read.

Pending the reading of the 3d Section,

On motion of Mr. Vansant, the further consideration thereof was informally postponed.

Pending the reading of the 4th Section,

On motion of Mr. Rennolds, at 12 o'clock and 37 minutes, the Convention adjourned until Monday next at 10½ o'clock, A. M.

MONDAY, July 15, 1867.

The Convention met.

Prayer by Rev. Mr. Henderson.

Present at the call of the roll, the following members :

Messrs. Carmichael, (President,) Alvey, Archer, Austin, Barnes, Barry, Bateman, Bell, Bennett, Bradley, Brent, Brewer, of Baltimore city, Brewer, of Montgomery, Brooke, Brown, Buchanan, Carter, Chambers, Cosgrove, Cover, Cunningham, Dent, Dobbin, Emack, Farnandis, Ferry, Finley, Ford, Franck, Galt, Garey, George, Giddings, Gill, Goldsborough, of Dorchester, Goldsborough, of Talbot, Henderson, Hoblitzell, Howard, Howison, Hubbard, Ireland, Jamison, Jones, Keating, Kennedy, Kilbourn, Lee, Longwell, Mackubin, Marbury, Massey, Maulsby, McCormick, McKaig, McMaster, Merrick, Merryman, Mitchell, Motter, Murray, Page, Parker, Charles S. Parran, John Parran, Perry, Peters, Rennolds, Rider, Ritchie, Roman, Spates, Starr, Tarr, of Caroline, Tarr, of Worcester, Toadvine, Vansant, Walsh, Watkins, of Caroline, Whitman, Wickes, Wilkinson—82.

The proceedings of Saturday were read and approved.

Mr. Austin submitted the following order :

Ordered, That it be entered upon the Journal that Mr. Hodson, of Dorchester county, is detained from his seat in the Convention on account of indisposition ;

Which was adopted.

Mr. Maulsby submitted the following order :

Ordered, That on and after to-morrow, 16th inst., there shall be two sessions daily of this Convention, commencing respectively at ten o'clock, A. M., and eight o'clock, P. M.;

Pending the consideration of which,

Mr. Mitchell submitted the following order as a substitute :

Ordered, That on and after Tuesday, the 16th inst., this Convention shall meet at 9 o'clock, A. M., and sit until 4 o'clock, P. M.;

Which was rejected.

The question then recurring upon the order submitted by Mr. Maulsby,

Mr. Lee demanded a division of the question,

Which was sustained.

Mr. Lee moved to strike out the word "ten," and insert "nine;"

Decided in the negative.

Mr. McMaster moved to strike out the word "eight," and insert the word "three;"

Decided in the negative.

The question then recurring upon the order submitted by Mr. Maulsby,

It was rejected.

Mr. Franck submitted the following order :

Ordered, That from and after to-morrow, the 16th instant, the sessions of the Convention shall commence at 10 o'clock, A. M. ;

Which was adopted.

The Convention then resumed the consideration of the unfinished business of Saturday,

Being the Report of the Committee upon the Judiciary Department.

The question recurring upon the consideration of the 4th Section thereof ;

Pending which,

On motion of Mr. Dobbin,

The Convention returned to the consideration of the 3d Section which had been informally postponed ;

Pending which,

Mr. Archer submitted the following amendment :

Strike out the words "during good behavior," in 5th line, and insert "for the term of fifteen years from the time of his election, and until his successor is elected and qualified, or until he shall have attained the age of seventy years, whichever may first happen, and be re-eligible thereto until he shall have attained the age of seventy years, and not after ;"

Pending the consideration of which,

Mr. Rider submitted the following amendment to the amendment :

Strike out the word "fifteen" where it occurs before the word "years," and insert the word "twelve;"

Pending the consideration of which,

On motion of Mr. Brewer, of Baltimore City,

The Convention resolved itself into a Committee of the Whole, to consider the Report of the Committee upon the Judiciary Department, with pending amendments.

Mr. Dent in the Chair.

After some time spent in Committee of the Whole, the Committee rose.

(The President resumed the Chair,) and

Through Mr. Dent, Chairman,

Reported that they had had under consideration the Report of the Committee upon the Judiciary Department, with pending amendments, had made some progress thereon, and asked leave to sit again.

The report was concurred in.

Mr. Howison (by unanimous consent) submitted the following order :

Ordered, That the use of this Hall be allowed to-night to the President of Martha Washington College of Abingdon, Virginia, to deliver an address ;

Which was adopted.

On motion of Mr. Page,

At 2 o'clock, and forty-five minutes P. M., the Convention adjourned.

PROCEEDINGS
IN COMMITTEE OF THE WHOLE.

Monday, July 15th, 1867.

The Committee met.

Mr. Dent in the Chair.

The Committee took up for consideration the Report of the Committee upon the Judiciary Department, with pending amendments, which had been committed to them by the Convention ;

Pending the consideration of which,

Mr. Carter moved that the Committee rise, report progress, and ask to be discharged from the further consideration of the Report ;

Decided in the negative.

Mr. Garey submitted the following resolution :

Resolved, That during the session of this Committee no member shall speak longer than thirty minutes, nor more than twice on any proposition, without the unanimous consent of all the members present, and that it shall be the duty of the Chairman to see this rule rigidly enforced ;

Which was rejected.

The question then recurring upon the amendment submitted by Mr. Rider,

To strike out the word "fifteen," where it occurs before the word "years," and insert the word "twelve,"

It was rejected.

The question then recurring upon the amendment submitted by Mr. Archer,

Mr. Cunningham submitted the following amendment :

Amendment to Section 3: Strike out the words "during good behavior," in 5th line, and insert the words, "for fifteen years, and having served for fifteen years, such person shall be ineligible for the fifteen years next succeeding ;"

Which was rejected.

Mr. Barry moved that the Committee rise, report progress, and ask leave to sit again ;

Decided in the affirmative.

The Committee then rose.

TUESDAY, July 16th, 1867.

The Convention met.

Prayer by Rev. Mr. Burke.

Present at the call of the roll the following members :

Messrs. Carmichael, (President,) Alvey, Archer, Austin, Barnes, Barry, Bateman, Bell, Bennett, Bradley, Brent, Brewer, of Baltimore city, Brewer, of Montgomery, Brooke, Brown, Buchanan, Carter, Chambers, Cosgrove, Cover, Covington, Cunningham, Denson, Dent, Devries, Dobbin, Dorsey, Emack, Evans, Farnandis, Ferry, Finley, Ford, Franck, Franklin, Galt, Garey, George, Giddings, Gill, Goldsborough, of Dorchester, Goldsborough, of Talbot, Hall, Hammond, Hardcastle, Hayden, Henderson, Hoblitzell, Horsey, of Frederick, Howard, Howison, Hubbard, Ireland, Jamison, Jones, Keating, Kennedy, Kilbourn, Lee, Longwell, Mackubin, Manro, Marbury, Maulsby, McCormick, McKaig, McMaster, McPherson, Merrick, Merryman, Mitchell, Morris, Motter, Murray, Nelson, Nicolai, Page, Parker, Parran, Charles S., Parran, John, Perry, Peters, Pleasants, Renolds, Rider, Riggs, Ringgold, Ritchie, Roman, Silver, Spates, Starr, Syester, Tarr, of Caroline, Tarr, of Worcester, Thomas, Toadvine, Vansant, Walsh, Watkins, of Caroline, Watkins, of Montgomery, Wethered, Whitman, Wilkinson—104.

The proceedings of yesterday were read and approved.

Mr. Kilbourn submitted the following order :

Ordered by the Convention, that the use of this Hall be granted to Mr. William Harwood, on Thursday evening next, for the purpose of delivering a lecture on "The times of Julius Cæsar ;"

Which was adopted.

The Convention then resumed the consideration of the unfinished business of yesterday, being the Report of the Committee upon the Judiciary Department ;

Pending which,

On motion of Mr. Jones,

The Convention resolved itself into a Committee of the Whole, to consider the report of the Committee upon the Judiciary Department, with pending amendments.

Mr. Dent in the Chair.

After some time spent in Committee of the Whole, the Committee rose (the President resumed the chair), and

through Mr. Dent, Chairman, reported that the Committee had had under consideration the Report of the Committee upon the Judiciary Department, with pending amendments, had made some progress thereon and asked leave to sit again, on to-morrow.

The Report was concurred in.

The hour having arrived for taking up the order of the day, the Convention proceeded to the consideration of the Report of the Committee upon the Legislative Department, the question recurring upon the Supplementary report of the Committee.

The question being upon the motion submitted by Mr. Brewer, of Montgomery, to strike out the 1st Section of the Report.

Pending which Mr. Vansant moved the previous question.

Mr. Ford moved that the Convention do now adjourn.

On motion of Mr. Brewer, of Baltimore City, the yeas and nays were ordered.

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Hubbard,	Rennolds,
Barnes,	Ireland,	Rider,
Bennett,	Jamison,	Ritchie,
Bradley,	Kennedy,	Roman,
Brewer, B. City,	Manro,	Silver,
Buchanan,	McPherson,	Spates,
Cosgrove,	Mitchell,	Starr,
Dent,	Morris,	Syester,
Ford,	Nelson,	Tarr, of Caroline,
Franck,	Parran, Chas. S.	Thomas,
Goldsborough, D.	Parran, Jno.	Toadvine,
Goldsborough, T.	Peters,	Wethered—34.

NEGATIVE.

Messrs.	Evans,	Marbury,
Carmichael, P't,	Farnandis,	Maulsby,
Alvey,	Ferry,	McCormick,
Archer,	Finley,	McKaig,
Austin,	Galt,	McMaster,
Barry,	Garey,	Merrick,
Bateman,	George,	Murray,
Bell,	Giddings,	Nicolai,
Brent,	Gill,	Page,
Brewer, Montg'y,	Hall,	Parker,
Brooke,	Hammond,	Perry,

Brown,	Hardcastle,	Pleasants,
Carter,	Hayden,	Riggs,
Chambers,	Henderson,	Ringgold,
Cover,	Howard,	Tarr, Worcester,
Covington,	Howison,	Vansant,
Cunningham,	Jones,	Walsh,
Denson,	Keating,	Watkins, Car.
Devries,	Kilbourn,	Watkins, Mont.
Dobbin,	Lee,	Whitman,
Dorsey,	Longwell,	Wilkinson—64.
Emack,	Mackubin,	

So the Convention refused to adjourn.

The question then recurring upon the motion submitted by Mr. Vansant,

On motion of Mr. Brewer, of Baltimore City,

A call of the House was ordered.

Upon the call of the roll, the following members responded to their names :

Messrs. Carmichael, (President,) Alvey, Archer, Austin, Barnes, Barry, Bateman, Bell, Bennett, Bradley, Brent, Brewer, of Baltimore city, Brewer, of Montgomery, Brown, Buchanan, Carter, Chambers, Cosgrove, Cover, Covington, Cunningham, Denson, Dent, Devries, Dobbin, Dorsey, Emack, Evans, Farnandis, Ferry, Finley, Ford, Franck, Galt, Garey, George, Giddings, Gill, Goldsborough, of Dorchester, Goldsborough, of Talbot, Hall, Hammond, Hardcastle, Hayden, Henderson, Hoblitzell, Horsey, of Frederick, Howard, Howison, Hubbard, Ireland, Jamison, Jones, Keating, Kennedy, Kilbourn, Longwell, Mackubin, Manro, Marbury, Maulsby, McCormick, McMaster, McPherson, Merrick, Merryman, Mitchell, Morris, Motter, Murray, Nelson, Nicolai, Parker, Charles S. Parran, John Parran, Perry, Peters, Pleasants, Rennolds, Rider, Riggs, Ringgold, Ritchie, Roman, Silver, Spates, Starr, Syester, Tarr, of Caroline, Tarr, of Worcester, Thomas, Toadvine, Vansant, Watkins, of Caroline, Watkins, of Montgomery, Wethered, Whitman, Wilkinson—98.

Upon the call of the roll, Mr. Brooke moved that all further proceedings under the call be dispensed with.

The question being upon concurring in the motion,

Mr. Nelson demanded the yeas and nays ;

Which was sustained.

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Ferry,	Marbury,
Carmichael, Pre't	Ford,	Maulsby,
Alvey,	Franck,	McCormick,
Archer,	Galt,	McKaig,
Barry,	Garey,	McMaster,
Bateman,	George,	Merrick,
Bell,	Giddings,	Morris,
Bennett,	Gill,	Murray,
Brewer, Mont'y,	Goldsborough, D.	Nicolai,
Brooke,	Goldsborough, T.	Page,
Brown,	Hall,	Parker,
Buchanan,	Hammond,	Parran, John,
Carter,	Hardcastle,	Perry,
Chambers,	Hayden,	Pleasants,
Cover,	Henderson,	Ringgold,
Covington,	Hoblitzell,	Spates,
Cunningham,	Horse, of Fred.	Syester,
Denson,	Ireland,	Thomas,
Dent,	Jones,	Vansant,
Dobbin,	Keating,	Walsh,
Dorsey,	Kilbourn,	Watkins, Car.
Emack,	Lee,	Watkins, Mont
Evans,	Longwell,	Whitman—70.
Farnandis,	Mackubin,	

NEGATIVE.

Messrs.	Hubbard,	Rennolds,
Austin,	Jamison,	Rider,
Barnes,	Kennedy,	Riggs,
Bradley,	Manro,	Ritchie,
Brent,	McPherson,	Starr,
Brewer, B. city,	Merryman,	Tarr, Caroline,
Casgrove,	Mitchell,	Tarr, Worcest
Devries,	Nelson,	Toadvine,
Finley,	Parran, Chas. S.	Wethered,
Howard,	Peters,	Wilkinson—29

So all further proceedings under the call were dispensed with.

Mr. Brewer, of Baltimore City, moved that the Convention do now adjourn ;

On motion of Mr. Denson,

The yeas and nays were ordered.

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Ford,	Mitchell,
Carmichael, P't.	Franck,	Morris,
Austin,	Giddings,	Motter,
Barnes,	Goldsborough, D.	Nelson,
Barry,	Goldsborough, T.	Nicolai,
Bell,	Hall,	Parker,
Bennett,	Hardcastle,	Parran, Charles S.
Bradley,	Henderson,	Peters,
Brent,	Hoblitzell,	Rennolds,
Brewer, of B. city,	Horse, of Fred.	Rider,
Brewer, of Mo'y,	Howison,	Ritchie,
Brooke,	Hubbard,	Roman,
Buchanan,	Ireland,	Spates,
Chambers,	Jamison,	Starr,
Cover,	Keating,	Tarr, of Caroline,
Denson,	Kilbourn,	Thomas,
Dent,	Longwell,	Toadvine,
Dorsey,	Maulsby,	Watkins, of Car.
Emack,	McKaig,	Watkins, of M.
Ferry,	McPherson,	Wethered—59.

NEGATIVE.

Messrs.	Garey,	Merryman,
Alvey,	Gill,	Murray,
Archer,	Hammond,	Page,
Bateman,	Hayden,	Parran, John
Brown,	Howard,	Perry,
Carter,	Jones,	Pleasants,
Cunningham,	Lee,	Riggs,
Devries,	Mackubin,	Silver,
Dobbin,	Manro,	Syester,
Evans,	Marbury,	Vansant,
Farnandis,	McCormick,	Walsh,
Finley,	McMaster,	Whitman,
Galt,	Merrick,	Wilkinson—38.

So the motion prevailed,

And the Convention at 3 o'clock and 5 minutes P. M., adjourned.

P R O C E E D I N G S
IN COMMITTEE OF THE WHOLE.

Tuesday, July 16th, 1867.

The Committee met.

Mr. Dent in the Chair.

The Committee resumed the consideration of the unfinished business of yesterday, being the Report of the Committee upon the Judiciary Department, with pending amendments.

Pending which,

Mr. Barry moved that the Committee rise, report progress, and ask leave to sit again ;

Decided in the affirmative.

The Committee then rose.

WEDNESDAY, July 17th, 1867.

The Convention met.

Prayer by Rev. Mr. Henderson.

Present at the call of the roll the following members :

Messrs. Carmichael, (President,) Alvey, Archer, Austin, Barnes, Barry, Bateman, Bell, Bennett, Bradley, Brent, Brewer, of Baltimore city, Brewer, of Montgomery, Brooke, Brown, Buchanan, Carter, Chambers, Cosgrove, Cover, Cunningham, Denson, Dent, Devries, Dobbin, Dorsey, Duvall, Emack, Evans, Farnandis, Ferry, Finley, Ford, Franck, Franklin, Galt, Garey, George, Giddings, Gill, Goldsborough, of Dorchester, Goldsborough, of Talbot, Hall, Hammond, Hardcastle, Hayden, Henderson, Hoblitzell, Hodson, Hollyday, Horsey, of Frederick, Howard, Howison, Hubbard, Ireland, Jamison, Jones, Keating, Kennedy, Kilbourn, Lee, Longwell, Mackubin, Manro, Marbury, Maulsby, McCormick, McKaig, McMaster, McPherson, Merrick, Mitchell, Morris, Motter, Murray, Nelson, Page, Parker, Charles S. Parran,

John Parran, Perry, Peters, Pleasants, Rennolds, Rider, Riggs, Ringgold, Ritchie, Rogers, Roman, Silver, Spates, Starr, Syester, Tarr, of Caroline, Tarr, of Worcester, Thomas, Toadvine, Vansant, Walsh, Watkins, of Caroline, Watkins, of Montgomery, Wethered, Whitman, Wilkinson—103.

The proceedings of yesterday were read and approved.

Mr. Mitchell submitted the following order :

Ordered, That Mr. Stoddert is absent from his seat in this Convention on account of sickness ;

Which was adopted.

Mr. Hammond, Chairman of the Select Committee, on the formation of a new County to be composed of parts of Somerset and Worcester counties, submitted the following Report :

REPORT OF THE COMMITTEE ON THE FORMATION OF A NEW COUNTY TO BE COMPOSED OF PARTS OF SOMERSET AND WORCESTER COUNTIES.

SECTION 1. At the election to be held for the adoption or rejection of this Constitution, the Judges of Election shall open a book in each Election District in those parts of Worcester and Somerset Counties comprised within the following limits, viz : beginning at the point where Mason and Dixon's line crosses the channel of Pocomoke river, thence following said line to the channel of the Nanticoke river, thence with the middle of said river to Tangier sound, or the intersection of Nanticoke and Wicomico rivers, thence up the channel of the Wicomico river to the mouth of Wicomico creek, at Dashield's or Disharoon's Mills, thence with the mill pond of said mills and branch, following the middle prong of said branch to meadow bridge on the road dividing the Counties of Somerset and Worcester, near the south-west corner of the farm of William P. Morris, thence due east to the Pocomoke river, thence with the channel of said river to the beginning, and have secured in said books the vote of each Elector who has resided for six months preceding said election within said limits, for or against a new County ; and the Return Judges of said Election Districts shall certify the result of such voting in the manner now prescribed by Law, to the Governor, who shall, by proclamation, make known the same, and if a majority of the legal votes cast within that part of Worcester County contained within said lines, and also a majority of the legal votes cast within that part of Somerset County contained within said lines, shall be in favor of a new County, then said parts of Worcester and Somerset Counties shall become and constitute a new County to be called Wicom-

ico County, and the inhabitants thereof shall thenceforth have and enjoy all such rights and privileges as are held and enjoyed by the inhabitants of the other Counties of this State.

SEC. 2. When said new County shall have been so created, the inhabitants thereof shall cease to have any claim to or interest in the County buildings and other public property of every description belonging to said Counties of Somerset and Worcester respectively, and shall be liable for their proportionate shares according to the rates of the last assessment of the then existing debts and obligations of said Counties, and shall also pay the County taxes levied upon them at the time of the creation of such new County, as if such new County had not been created.

SEC. 3. At the first general election held under this Constitution, the qualified voters of said new County shall be entitled to elect a Senator and two Delegates to the General Assembly, and all such County or other officers as this Constitution may authorize or require to be elected by other counties of the State; a notice of such election shall be given by the Sheriffs of Worcester and Somerset Counties in the manner now prescribed by Law; and in case said new County shall be established as aforesaid, then the Counties of Somerset and Worcester shall be entitled to elect but two Delegates each to the General Assembly.

SEC. 4. The General Assembly shall pass all such laws as may be necessary more fully to carry into effect the provisions of this article.

Which was read a first time.

The Convention then resumed the consideration of the unfinished business of yesterday, being the Report of the Committee upon the Legislative Department, the question recurring upon the motion submitted by Mr. Vansant for the previous question.

The question then being,

“Shall the previous question be now put?”

It was decided in the affirmative.

The question then recurring upon concurring in the motion submitted by Mr. Brewer, of Montgomery, to strike out the 1st Section of the Supplementary Report,

Mr. Brewer, of Baltimore City, demanded the yeas and nays.

Which was sustained.

The yeas and nays were called and appeared as follows:

AFFIRMATIVE.

Messrs.	Goldsborough, T.	Peters,
Austin,	Hammond,	Rennolds,
Barnes,	Hardcastle,	Rider,
Bateman,	Henderson,	Riggs,
Bennett,	Hoblitzell,	Ritchie,
Bradley,	Hollyday,	Silver,
Brent,	Hubbard,	Spates,
Brewer, Bal. city.	Ireland,	Starr,
Brewer, of Mot'y,	Jamison,	Tarr, of Caroline,
Buchanan,	Keating,	Tarr, of Wor.
Cosgrove,	McMaster,	Thomas,
Cover,	McPherson,	Toadvine,
Dent,	Mitchell,	Watkins, of Car.
Dorsey,	Morris,	Watkins, of Mont.
Duvall,	Nelson,	Wethered,
Emack,	Parran, Chas. S.	Wilkinson—49.
Goldsborough, D.	Perry,	

NEGATIVE.

Messrs.	Franck,	Marbury,
Carmichael, Prt.	Franklin,	Maulsby,
Alvey,	Galt,	McCormick,
Archer,	Garey,	McKaig,
Bell,	George,	Merrick,
Brooke,	Giddings,	Motter,
Brown,	Gill,	Murray,
Carter,	Hall,	Page,
Chambers,	Hayden,	Parker,
Cunningham,	Horsey, of Fred.	Parran, John,
Denson,	Howard,	Pleasants,
Devries,	Howison,	Ringgold,
Dobbin,	Jones,	Rogers,
Evans,	Kilbourn,	Syester,
Farnandis,	Lee,	Vansant,
Ferry,	Longwell,	Walsh,
Finley,	Mackubin,	Whitman—52.
Ford,	Manro,	

So the motion submitted by Mr. Brewer, of Montgomery, was not sustained.

On motion of Mr. Brewer, of Baltimore City, the Convention resolved itself into a Committee of the Whole, to consider the Report of the Committee upon the Legislative Department.

Mr. Dent in the Chair.

After some time spent in Committee of the Whole, the Committee rose.

(The President resumed the Chair.)

And through Mr. Dent, Chairman, reported that they had had under consideration the Report of the Committee upon the Judiciary Department, with pending amendments, had adopted an amendment as amended, and recommended its adoption by the Convention, and asked to be discharged from the further consideration of the subject.

The Report was received, and the Committee was discharged.

On motion of Mr. Brewer, of Baltimore city,

At 3 o'clock and 15 minutes P. M., the Convention adjourned.

P R O C E E D I N G S IN COMMITTEE OF THE WHOLE.

Wednesday, July 17, 1867.

The Committee met.

Mr. Dent in the Chair.

The Committee resumed the consideration of the unfinished business of yesterday, being the Report of the Committee upon the Judiciary Department.

The question recurring upon the amendment submitted by Mr. Archer,

Mr. Barnes submitted the following amendment to the amendment:

Strike out all after the word "happen," in the 5th line, as printed in the Journal, page 464, and insert the words, "and be ineligible for a second term;"

Which was rejected.

Mr. Dobbin submitted the following amendment to the amendment:

Strike out the word "fifteen," and insert the words "and be eligible for a second term;"

Which was rejected.

Mr. Tarr, of Worcester, submitted the following amendment :

Strike out the word "fifteen," and insert the word "ten;"

Which was rejected.

Mr. Tarr, of Caroline, moved to strike out the word "fifteen," and insert the word "twenty."

Mr. John Parran submitted the following amendment :

Add the word "five" after the word "twenty;"

Which was rejected.

The question then recurring upon the motion submitted by Mr. Tarr, of Caroline, it was rejected.

Mr. Starr submitted the following amendment :

Strike out the word "fifteen," and insert the word "fourteen;"

Which was rejected.

Mr. Peters submitted the following amendment :

Strike out the word "fifteen," and insert the word "twelve;"

Which was rejected.

Mr. Dobbin submitted the following amendment :

"But in the case of any Judge who shall attain the age of seventy years whilst in office, such Judge may be continued in office by the General Assembly for such further term as they may think fit, not to exceed the term for which he was elected, by a resolution to be passed at the session next preceding such Judges attaining said age."

Which was adopted.

Mr. Nelson moved that the Committee now rise, report progress upon the subject matter under consideration, and ask leave to sit again ;

Decided in the negative.

The question then recurring upon the amendment, as amended, it was adopted.

Mr. Jones moved that the Committee now rise, and report that they have had under consideration the Report of the Committee upon the Judiciary Department, have adopted an amendment thereto, and recommend its adoption by the Convention, and ask leave to be discharged from the further consideration of the same ;

Decided in the affirmative.

The Committee then rose.

THURSDAY, July 18, 1867.

The Convention met.

Prayer by Rev. Mr. Burke.

Present at the call of the roll the following members :

Messrs. Carmichael, (President,) Alvey, Archer, Austin, Barnes, Barry, Bateman, Bell, Bennett, Bradley, Brent, Brewer, of Baltimore city, Brooke, Brown, Carter, Cosgrove, Cover, Cunningham, Denson, Dent, Devries, Dobbin, Dorsey, Duvall, Emack, Evans, Farnandis, Ferry, Finley, Flaherty, Franck, Franklin, Galt, Garey, George, Giddings, Gill, Goldsborough, of Dorchester, Goldsborough, of Talbot, Groome, Hall, Hammond, Hardcastle, Hayden, Henderson, Hoblitzell, Hollyday, Howard, Howison, Hubbard, Ireland, Jamison, Janvier, Jones, Keating, Kennedy, Kilbourn, Lee, Longwell, Mackubin, Manro, Marbury, Maulsby, McCormick, McKaig, McMaster, McPherson, Merrick, Merryman, Mitchell, Morris, Motter, Murray, Nelson, Page, Parker, Charles S. Parran, John Parran, Perry, Peters, Pleasants, Pole, Rennolds, Rider, Riggs, Ringgold, Ritchie, Roman, Silver, Spates, Starr, Syester, Tarr, of Caroline, Thomas, Toadvine, Vansant, Walsh, Watkins, of Caroline, Watkins, of Montgomery, Wethered, Whitman, Wickes—101.

The proceedings of yesterday were read and approved.

The Convention then resumed the consideration of the unfinished business of yesterday,

Being the Report of the Committee upon the Judiciary Department.

The question recurring upon the amendment as submitted by Mr. Archer,

Mr. Rider submitted the following amendment :

Strike out the word "fifteen," and insert the word "ten ;"

On motion of Mr. Rider,

The yeas and nays were ordered.

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

Messrs.	Flaherty,	Murray,
Bateman,	Franck,	Parker,
Bell,	Franklin,	Perry,
Bennett,	Hammond,	Peters,
Bradley,	Hoblitzell,	Rider,
Brewer, of B. city,	Hollyday,	Riggs,

Brooke,	Hubbard,	Ringgold,
Cosgrove,	Maulsby,	Roman,
Cover,	McCormick,	Silver,
Cunningham,	McMaster,	Spates,
Duval,	Merryman,	Starr,
Evans,	Mitchell,	Toadvine,
Ferry,	Morris,	Watkins, M.—39.

NEGATIVE.

Messrs.	Gill,	Marbury,
Carmichael, Prt.	Goldsborough, D.	McKaig,
Alvey,	Goldsborough, T.	McPherson,
Archer,	Groome,	Merrick,
Austin,	Hall,	Motter,
Brent,	Hayden,	Nelson,
Brown,	Henderson,	Parran, C. S.
Carter,	Howard,	Parran, John
Denson,	Howison,	Pleasants,
Dent,	Ireland,	Pole,
Devries,	Jamison,	Ritchie,
Dobbin,	Janvier,	Syester,
Emack,	Jones,	Tarr, of Car.
Farnandis,	Keating,	Thomas,
Finley,	Kennedy,	Vansant,
Ford,	Kilbourn,	Walsh,
Galt,	Lee,	Watkins, of Car.
Garey,	Longwell,	Wethered,
George,	Mackubin,	Whitman,
Giddings,	Manro,	Wickes—59.

So the amendment submitted by Mr. Rider was rejected.

The question then recurring upon the adoption of the amendment submitted by Mr. Archer, as amended by Mr. Dobbin, and adopted in Committee of the Whole, viz: strike out the words "during good behaviour," in the 5th line, and insert "for the term of fifteen years from the time of his election, and until his successor is elected and qualified, or until he shall have attained the age of seventy years, whichever may first happen, and be re-eligible thereto until he shall have attained the age of seventy years and not after ; but in the case of any Judge who shall attain the age of seventy years whilst in office, such Judge may be continued in office by the General Assembly for such further term as they may think fit, not to exceed the term for which he was elected, by a resolution to be passed at the session next preceding such Judges attaining such ages."

It was adopted.

Mr. George submitted the following amendment :

Sec. 3. Insert after the word "Courts," in first line, "in the Counties." Insert after the word "next," in 4th line,

“and in the City of Baltimore on the second Wednesday of October next ;”

Pending the consideration of which,

On motion of Mr. Ritchie,

The further consideration of the 3d Section was postponed.

The 4th Section was then read.

Pending the reading of the 5th Section,

Mr. Hollyday submitted the following amendment :

Sec. 5. Strike out the words “by and with the advice and consent of the Senate ;”

Which was adopted.

Mr. Mitchell submitted the following amendment :

Sec. 5. Line 7, strike out the words “during good behaviour,” and insert the words “same as hereinbefore provided.”

Mr. Peters submitted the following amendment :

Strike out the words “during good behaviour,” and insert the words “for the remainder of the unexpired term ;”

Which was rejected.

The 5th Section was then read.

The 6th and 7th Sections were then read.

Pending the reading of the 8th Section,

Mr. Carter submitted the following amendment :

Strike out all of line 8 after the word “make,” and insert in lieu thereof the following words: “A suggestion in writing supported by the affidavit of such party, or his counsel ;”

Which was adopted.

Mr. Mackubin submitted the following amendment :

Sec. 8, line 6, insert after the word “Court,” as follows : “(And if of a different Circuit, if the party applying shall so elect ;)”

Which was adopted.

The section as amended was then read.

The 9th, 10th and 11th sections were then read.

Pending the reading of the 12th section,

Mr. Mitchell submitted the following amendment :

Sec. 12, strike out in the 5th line after the word "election," the balance of the section, and insert, "the Governor shall order a new election, and at such election the candidate having the highest number of votes shall be declared elected, and shall be duly commissioned by the Governor ;

Which was read.

On motion of Mr. Mitchell,

The further consideration of the 12th Section was postponed.

The 13th section was then read.

Pending the reading of the 14th Section, Part II,

On motion of Mr. Ford the further consideration of Part II was postponed.

On motion of Mr. Maulsby a call of the House was ordered.

Upon the call of the roll the following members responded to their names :

Messrs. Carmichael, (President,) Alvey, Archer, Austin, Barnes, Barry, Bateman, Bell, Bennett, Bradley, Brent, Brewer, of Baltimore city, Brooke, Brown, Carter, Cover, Cunningham, Dent, Devries, Dobbin, Dorsey, Duvall, Emack, Evans, Farnandis, Ferry, Finley, Flaherty, Ford, Franck, Franklin, Galt, Garey, George, Giddings, Gill, Goldsborough, of Dorchester, Goldsborough, of Talbot, Groome, Hall, Hammond, Hardcastle, Hayden, Henderson, Hollyday, Howard, Howison, Hubbard, Ireland, Jamison, Janvier, Jones, Keating, Kilbourn, Lee, Longwell, Mackubin, Manro, Marbury, Maulsby, McCormick, McKaig, McMaster, McPherson, Merrick, Merryman, Mitchell, Morris, Motter, Murray, Nelson, Page, Parker, Charles S. Parran, John Parran, Peters, Pleasants, Pole, Rider, Riggs, Ringgold, Ritchie, Roman, Silver, Starr, Syester, Tarr, of Caroline, Thomas, Toadvine, Walsh, Watkins, of Caroline, Watkins, of Montgomery, Wethered, Whitman, Wickes—95.

Mr. Carter moved that all further proceedings under the call be dispensed with.

Decided in the affirmative.

Pending the consideration of the 18th Section, Part 3d,

On motion of Mr. Alvey the Convention resolved itself into a Committee of the Whole, to consider Section 18, Part 3d.

Mr. Dent in the Chair

After some time spent in Committee of the Whole, the Committee rose,

(The President resumed the Chair,)

And through Mr. Dent, Chairman, reported that they had had under consideration the Report of the Committee upon the Judiciary Department, made progress therein, but having come to no conclusion thereon, asked leave to sit again;

The Report was received, and leave granted.

On motion of Mr. Rider,

At 3 o'clock and fifteen minutes, the Convention adjourned.

P R O C E E D I N G S IN COMMITTEE OF THE WHOLE.

Thursday, July 18, 1867.

The Committee met.

The Committee resumed the consideration of the unfinished business of yesterday, being the report of the Committee upon the Legislative Department.

Pending which,

On motion of Mr. Ford, the Committee took up for consideration the Report of the Committee upon the Judiciary Department.

On motion of Mr. Keating the further consideration of the 18th and 19th Sections were postponed.

Pending the reading of the 20th Section, Mr. Archer moved to strike out the entire Section.

Pending the consideration of which,

Mr. Vansant moved that the Committee now rise and report that they have had under consideration the Report of the Committee upon the Judiciary Department, have come to no conclusion thereon, and ask leave to sit again.

Decided in the affirmative.

The Committee then rose.

FRIDAY, July 19, 1867.

The Convention met.

Prayer by Rev. Mr. Henderson.

Present at the call of the roll the following members :

Messrs. Carmichael, (President,) Alvey, Archer, Austin, Barnes, Barry, Bateman, Bell, Bennett, Bradley, Brent, Brewer, of Baltimore City, Brooke, Brown, Carter, Cosgrove, Cover, Cunningham, Denson, Dent, Devries, Dobbin, Dorsey, Duvall, Emack, Evans, Farnandis, Ferry, Finley, Flaherty, Ford, Franklin, Galt, Garey, Giddings, Gill, Goldsborough, of Dorchester, Goldsborough, of Talbot, Groome, Hall, Hammond, Hardcastle, Hayden, Henderson, Hoblitzell, Hodson, Hollyday, Horsey, of Frederick, Howard, Howison, Hubbard, Ireland, Jamison, Janvier, Johnson, Jones, Keating, Kennedy, Lee, Longwell, Mackubin, Marbury, Massey, Maulsby, McCormick, McKaig, McMaster, McPherson, Merrick, Merryman, Mitchell, Morris, Motter, Murray, Nelson, Nicolai, Page, Parker, Charles S. Parran, John Parran, Perry, Peters, Pleasants, Pole, Rennolds, Rider, Riggs, Ringgold, Rogers, Roman, Silver, Spates, Starr, Syester, Tarr, of Caroline, Thomas, Toadvine, Vansant, Wallace, Walsh, Watkins, of Caroline, Watkins, of Montgomery, Wethered, Wickes, Wilkinson—104.

The proceedings of yesterday were read and approved.

Mr. Wethered submitted the following order :

Ordered, That it be entered on the Journal, that Mr. Buchanan is detained from his seat on account of illness in his family ;

Which was adopted.

Mr. Thomas submitted the following order :

Ordered, That on and after Monday next, 22d inst., there shall be two sessions daily of this Convention, commencing respectively at 10 o'clock, A. M., and 5 o'clock, P. M.

Mr. Mitchell submitted the following amendment :

Strike out the word "five," and insert the word "eight."

Mr. Peters moved to lay the whole subject on the table.

Decided in the negative.

The question then recurring upon the amendment submitted by Mr. Mitchell, it was adopted.

The question then recurring upon the order as amended, it was adopted.

Mr. Lee submitted the following order :

Ordered, That the Committee on Accounts inquire and report whether the business of the Committees still requires the number of Committee Clerks authorized at the beginning of the Session, and how many ought to be retained to aid the Committee on Revision and Compilation in preparing the Enrolled Bills;

Which was adopted.

Mr. Marbury submitted the following order :

Ordered, That the Committee on the Legislative Department be instructed to inquire into the expediency of reporting an additional section requiring the Legislature to make some other penalty than that of incarceration in the State Penitentiary for petty larceny;

Which was adopted.

Mr. Cosgrove submitted the following order :

Ordered, That it be entered on the Journal that Mr. Groome was prevented from resuming his seat on the reassembling of the Convention after the recess, by the death of a near relative, and afterwards, until yesterday, by his own sickness;

Which was adopted.

Mr. Roman, Chairman of the Committee respecting the appointment, tenure of office, duties and compensation of all civil officers not embraced in the duties of other standing Committees, submitted the following Report :

**REPORT OF THE COMMITTEE RESPECTING THE
APPOINTMENT, TENURE OF OFFICE, DUTIES
AND COMPENSATION OF ALL CIVIL OFFICERS
NOT EMBRACED IN THE DUTIES OF OTHER
STANDING COMMITTEES.**

SECTION 1. County Commissioners shall be elected on general ticket by the qualified voters of the several counties of this State on the Tuesday next after the first Monday in the month of November, 1867 ; and on the same day in every second year thereafter. Their number in each county, their compensation, powers and duties shall be such as are now or may be hereafter prescribed by law.

SEC. 2. The qualified voters of each county, and of the City of Baltimore, shall on the Tuesday next after the first Monday in the month of November, in the year 1867, and on the same day in every second year thereafter, elect a Surveyor for the counties, and City of Baltimore, respectively,

whose term of office shall commence on the first Monday of January next ensuing their election, and whose duties and compensation, shall be the same as are now, or may hereafter be prescribed by law. And any vacancy in the office of Surveyor shall be filled by the Commissioners of the counties, or by the Mayor and City Council of Baltimore, respectively, for the residue of the term.

SEC. 3. The State Librarian shall be appointed by the Governor, by and with the advice and consent of the Senate, who shall hold his office during the term of the Governor by whom he shall have been appointed, and until his successor shall be appointed and qualified. His salary shall be fifteen hundred dollars (\$1500) per annum; and he shall perform such duties as are now, or may hereafter be prescribed by law; and no appropriation shall be made by law to pay for any Clerk or Assistant to the Librarian.

SEC. 4. There shall be a Commissioner of the Land Office, who shall be appointed by the Governor, by and with the advice and consent of the Senate, who shall hold his office during the term of the Governor by whom he shall have been appointed, and until his successor shall be appointed and qualified. He shall perform such duties as are now required of the Commissioner of the Land Office, or such as may hereafter be prescribed by Law, and shall also be the keeper of the Chancery Records. He shall receive a salary of two thousand dollars (\$2,000), per annum, to be paid out of the Treasury; and shall charge such fees as are now, or may be hereafter fixed by law. He shall make a semi-annual report of all the fees of his office, both as Commissioner of the Land Office and as keeper of the Chancery Records to the Comptroller of the Treasury, and shall pay the same semi-annually into the Treasury.

SEC. 5. The Commissioner of the Land Office shall also act as the Historiographer of the State of Maryland, in which capacity it shall be his duty, in such manner as the Legislature shall prescribe, to collect, arrange, classify, have charge of, and safely keep, in a suitable apartment to be provided by the Legislature, all Papers, Records, Relics, and other Memorials connected with the early History of Maryland; and he shall also prepare for, and superintend the publication of such Papers, Records or other Memorials, as the Legislature shall direct to be published. The Legislature, at its first session after the adoption of this Constitution, and from time to time thereafter, shall prescribe such regulations, and make such provisions and appropriations, as it shall deem suitable and adequate for the proper organization and support of the Department created by this Section.

SEC. 6. The qualified voters of Worcester County, shall on the Tuesday next after the first Monday in the month of November, in the year 1867, and every two years thereafter, elect a Wreck Master for said county, whose duties and compensation shall be the same, as are now or may be hereafter prescribed by law ; the term of office of said Wreck Master shall commence on the first Monday of January next succeeding his election ; and a vacancy in said office shall be filled by the County Commissioners of said county, for the residue of the term.

SEC. 7. The General Assembly may provide by law for the election or appointment of such other officers as may be required, and are not herein provided for, and prescribe their tenure of office, powers, compensation and duties.

Which was read a first time.

Mr. Lee, Chairman of the Committee respecting the Militia and Military affairs, submitted the following Report :

REPORT OF THE COMMITTEE RESPECTING THE MILITIA AND MILITARY AFFAIRS.

ARTICLE—MILITIA AND MILITARY AFFAIRS.

SECTION 1. The General Assembly shall make, from time to time, such provision for organizing, equipping and disciplining the Militia as the exigency may require, and as may not conflict with any Law of the United States, and pass such Laws to promote Volunteer Militia Organizations as may afford them effectual encouragement.

SEC. 2 There shall be an Adjutant General appointed by the Governor, by and with the advice and consent of the Senate. He shall hold his office until the appointment and qualification of his successor, or until removed in pursuance of the sentence of a Court Martial. He shall perform such duties, and receive such compensation, or emoluments, as are now or may be prescribed by Law. He shall discharge the duties of his office at the seat of Government, unless absent under orders, on duty ; and no other officer of the General Staff of the Militia shall receive salary or pay, except when on service and mustered in with troops.

SEC. 3. The existing Militia Law of the State shall expire at the end of the next session of the General Assembly, except so far as it may be re-enacted.

Which was read a first time.

The Convention then resumed the consideration of the unfinished business of yesterday,

Being the Report of the Committee upon the Judiciary Department.

On motion of Mr. Rider,

The Convention resolved itself into a Committee of the Whole, to consider the Report of the Committee upon the Judiciary Department, with pending amendments.

Mr. Dent in the Chair.

The Committee of the Whole having been engaged some time considering the matter referred to them,

Reported through Mr. Dent, Chairman,

That they had had under consideration the Report of the Committee upon the Judiciary Department, had discussed the same, and made progress therein, but having come to no conclusion thereon, ask leave to sit again.

Which Report was received, and leave granted.

On motion of Mr. Archer,

The Convention at 3 o'clock P. M., adjourned until Monday morning at 10 o'clock.

P R O C E E D I N G S

IN COMMITTEE OF THE WHOLE.

Friday, July 19, 1867.

The Committee met.

Mr. Dent in the Chair.

The Committee resumed the consideration of the Report of the Committee upon the Judiciary Department, with pending amendments.

The question recurring upon striking out Section 20 of the third part of the Report ;

Mr. Maulsby moved that the Committee rise, report progress, and ask leave to sit again ;

Decided in the affirmative.

The Committee then rose.

MONDAY, July 22, 1867.

The Convention met.

Prayer by Rev. Mr. Hammond.

In the absence of the President,

On motion of Mr. Vansant,

The Hon. John B. Brooke, of Prince George, was called to the chair as President, *pro tem.*

Mr. Garey announced the detention in the City of Baltimore, in consequence of illness, of the Secretary of the Convention.

On motion of Mr. Rider,

Mr. Wilkinson, of Baltimore City, was requested to act as temporary Secretary.

The Assistant Secretary being absent,

On motion of Mr. Garey,

Mr. Groome, of Cecil, was requested to act as temporary Assistant Secretary.

Present at the call of the roll, the following members :

Messrs. Brooke, (President *pro tem.*,) Alvey, Archer, Bell, Brent, Brewer, Balt. city, Brown, Buchanan, Carter, Chambers, Cunningham, Dent, Dobbin, Emack, Evans, Farnandis, Ferry, Flaherty, Ford, Galt, Garey, George, Giddings, Gill, Goldsborough, of Talbot, Groome, Hardcastle, Hayden, Henderson, Hodson, Howard, Howison, Jamison, Johnson, Jones, Keating, Kennedy, Kilbourn, Mackubin, Marbury, Maulsby, McCormick, McMaster, McPherson, Merrick, Merryman, Mitchell, Motter, Murray, Nelson, Page, Parker, Parran Charles S., Parran John, Perry, Peters, Pole, Rennolds, Rider, Ritchie, Starr, Syester, Tarr, of Caroline, Toadvine, Vansant, Walsh, Watkins, of Caroline, Watkins, of Montgomery, Wethered, Wickes, Wilkinson—
71.

The proceedings of Friday, July 19, were read and approved.

Mr. Ferry submitted the following order :

Ordered, That it be entered on the Journal, that Mr. John Franck, of Baltimore City, is detained from his seat in the Convention on account of indisposition, which was adopted.

Mr. Merryman submitted the following order :

Ordered, That it be entered upon the Journal that Mr.

Barnes, of Baltimore city, is detained from his seat in the Convention by sickness;

Which was adopted.

Mr. Gill submitted the following order :

Ordered, That hereafter it shall not be competent to go into the Committee of the Whole except upon a vote of the majority of the members present, and that the rules of the Convention be so changed as to correspond with this order ;

Which was read the first time.

On motion of Mr. Watkins, of Montgomery,

The Convention resolved itself into a Committee of the Whole, to consider the Report of the Committee upon the Judiciary Department, with pending amendments.

Mr. Dent in the Chair.

After some time spent in said Committee, Mr. Dent, Chairman,

Reported that the Committee had had under consideration the report of the Committee upon the Judiciary, had made progress therein, and asked leave to sit again.

The report was received and leave granted.

On motion of Mr. Gill, (the rules being suspended,) it was

Ordered, That when the Convention adjourns on Wednesday, its morning session, it will adjourn to Thursday morning, and that the use of the Hall be tendered to the President elect of St. John's College, Mr. James Welling, to deliver a lecture on the subject—"Pompeii, its remains as illustrating ancient Roman life."

Mr. Mackubin moved that the Convention take a recess until 8 o'clock this evening.

Mr. Garey moved, as a substitute, that the Convention adjourn until to-morrow morning at 10 o'clock.

Which was decided in the affirmative.

At 2½ o'clock the Convention accordingly adjourned until 10 o'clock Tuesday morning.

P R O C E E D I N G S
IN COMMITTEE OF THE WHOLE.

Monday, July 22, 1867.

The Committee met.

Mr. Dent in the Chair.

The Committee resumed the consideration of the Report of the Committee upon the Judiciary Department, with pending amendments.

The question recurring upon the motion of Mr. Archer to strike out the 20th Section ;

It was decided in the negative.

Mr. Mackubin offered the following amendment to the 20th Section :

Sec. 20, line 16, strike out the words "a term," and insert "not less than two terms ;"

Line 17, strike out the words "time or ;"

Lines 17 and 18, strike out the words "such terms not to be less than two in each year," and insert as follows: "To which Jurors shall be summoned, and not less than two other and intermediate terms to which Jurors shall not be summoned ; they may alter or fix the times for holding any or all terms until otherwise provided by law, and shall adopt rules to the end, that all business not requiring the interposition of a Jury, shall be as far as practicable, disposed of at said intermediate terms ;"

Which was decided in the negative.

Mr. Alvey offered the following as an additional section to be inserted as Section 21 :

SECTION —. Where any term is held, or trial conducted by one of said Judges alone, upon decision or determination of any point or question by him, it shall be competent to the party or parties against whom the ruling or decision is made, upon motion to have the point or question reserved for the consideration of the three Judges of the Circuit, who shall constitute a Court in *banc* for such purpose ; or said party or parties may elect to have said decision or determination reviewed, on appeal to the Court of Appeals, in cases where by law an appeal will lie ; but in all cases of points or questions reserved, the motion therefor shall be entered, of record during the sitting, at which such ruling or decision may be made, and such motion shall be a waiver of the right of appeal to the Court of Appeals,

from such decision or judgment ; and in order that the points or question reserved may be fairly presented to the Judges in *banc*, the said Circuit Judge, trying the cause, shall make full and fair notes of such of the proceedings as will fully present such points or questions ; and the decision of the said Judges in *banc*, shall be the effective determination of the point or question reserved, and judgment or other proceedings shall be had thereupon. The right of having questions reserved shall not, however, apply to trials of appeals from Justices of the Peace ;

Which was adopted.

Section 22 was then read.

Pending the reading of the 23d Section,

On motion of Mr. Watkins, of Montgomery,

It was passed over informally.

Pending the reading of the 24th Section,

Mr. John Parran moved to strike out "six," in the third line, and insert "four ;"

Decided in the negative.

Mr. Page offered the following amendment :

Strike out all down to the word "they," inclusive, in the 4th line, and insert in lieu thereof, "the said Clerks ;"

Which was adopted.

On motion of Mr. Dobbin,

The Convention then returned to the consideration of Part Two of the Report of the Committee upon the Judiciary, viz: the Court of Appeals.

Mr. Merrick moved that the Committee now rise and report progress, and ask leave to sit again ;

Decided in the affirmative.

TUESDAY, July 23d, 1867.

The Convention met.

Prayer by Rev. Mr. Leech.

Present at the call of the roll the following members :

Messrs. Carmichael, (President,) Alvey, Archer, Bate-
man, Bell, Brewer, of Baltimore City, Brooke, Brown,
Buchanan, Carter, Chambers, Cosgrove, Cunningham, Den-
son, Dent, Devries, Dobbin, Dorsey, Duvall, Emack,
Evans, Farnandis, Ferry, Finley, Flaherty, Ford, Frank-
lin, Galt, Garey, Giddings, Gill, Goldsborough, of Tal-
bot, Groome, Hall, Hammond, Hardcastle, Hayden, Hen-
derson, Hoblitzell, Hodson, Hollyday, Horsey, of Fred-
erick, Horsey, of Somerset, Howard, Howison, Hubbard,
Ireland, Jamison, Janvier, Johnson, Jones, Keating,
Kennedy, Kilbourn, Longwell, Mackubin, Manro, Marbury,
Massey, Maulsby, McCormick, McKaig, McMaster, McPherson,
Merrick, Mitchell, Morris, Motter, Murray, Nelson,
Page, Parker, Chas. S. Parran, John Parran, Perry, Peters,
Pleasants, Pole, Rennolds, Rider, Ringgold, Ritchie, Silver,
Spates, Starr, Stoddert, Syester, Tarr, of Caroline, Thomas,
Toadvine, Vansant, Wallace, Walsh, Watkins, of Caro-
line, Watkins, of Montgomery, Wethered, Whitman,
Wickes, Wilkinson—97.

The proceedings of yesterday were read and approved.

Mr. Hall submitted the following :

Ordered, That the Committee on the Judiciary Depart-
ment be required to inquire into the propriety and expe-
diency of authorizing the General Assembly to provide by
law for the trial of petty offences against the State, by the
several Justices of the Peace in their respective districts, and
to empower them to summons a jury to try such cases when-
ever required to do so by the parties accused ;

Which was adopted.

Mr. McPherson submitted the following :

Ordered, That the Committee on Accounts be instructed to
pay the expenses incurred by the Sub-Committee of Public
Works and Corporations, in their mission to Baltimore City ;

Which was adopted.

Mr. Jones, from the Select Committee upon the subject of
a new County, to be formed out of portions of Somerset and
Worcester Counties, submitted the following minority report :

REPORT OF THE MINORITY OF THE SELECT COMMITTEE UPON THE SUBJECT OF A NEW COUNTY TO BE FORMED OUT OF PORTIONS OF SOMERSET AND WORCESTER COUNTIES.

ARTICLE—

SECTION 1. The General Assembly may provide for the formation of new counties, locating and removing county seats, and changing county lines, but no new county shall be formed without the consent of a majority of the legal voters residing within the limits of any proposed new county; and whenever a new county is proposed to be formed out of portions of two or more counties, the consent of a majority of the legal voters residing within the limits of such part of each county as is proposed to be included in such new county shall be necessary to include such part; nor shall any new county contain less than four hundred square miles nor less than ten thousand white inhabitants; nor shall any county be reduced below that number of square miles and of white inhabitants; nor shall the lines of any county be changed without the consent of a majority of the legal voters residing within the limits of the line, or lines, proposed to be changed; and in any law proposing to form a new county, or to change any county line, provision shall be made for the ascertainment of the sense of the legal voters as aforesaid.

ISAAC D. JONES,
GEO. M. GILL,
HENRY W. ARCHER,
L. P. FRANKLIN,
JAS. L. HORSEY.

Which was read a first time and ordered to be printed.

On motion of Mr. Gill,

The Convention took up the unfinished business of yesterday,

Being the following order submitted by Mr. Gill:

Ordered, That hereafter it shall not be competent to go into the Committee of the Whole, except upon a vote of the majority of the members present; and that the rules of the Convention be so changed as to correspond with this order;

Which was then read a second time and adopted.

Mr. Hollyday submitted the following order, (the rules being suspended) :

Ordered, That John V. Lowe, the lamp-lighter, have leave of absence for a few days, to attend to pressing business ;

Which was adopted.

On motion of Mr. Page,

The Convention resolved itself into a Committee of the Whole, to consider the Report of the Committee upon the Judiciary Department.

Mr. Dent in the Chair.

After some time spent in Committee of the Whole,

(The President resumed the Chair.)

Mr. Dent, Chairman of the Committee of the Whole,

Reported that the Committee had had under consideration the Report of the Committee upon the Legislative Department, had made progress therein, and asked to be discharged from the further consideration of the subject.

The Report was received and the Committee discharged.

The Convention then resumed the consideration of the Report of the Committee upon the Legislative Department.

Pending the consideration of the additional section No. 1, Supplementary Report,

Mr. Peters submitted the following amendment :

“ After the year one thousand nine hundred and sixty-seven.”

Mr. Mitchell submitted the following amendment as a substitute :

Strike out the section, and insert, “ No other person, unless a white person, shall be competent as a witness, unless hereafter so declared by Act of Assembly, unless in cases where the negro is now permitted to testify in courts of justice.

On motion of Mr. Bateman,

The previous question was ordered.

The question then recurring on the substitute submitted by Mr. Mitchell,

Mr. Carter demanded the yeas and nays,

Which being ordered,

Appeared as follows :

AFFIRMATIVE.

Messrs.	Hollyday,	Parran, Chas. S.
Austin,	Horse, of Som.	Perry,
Bateman,	Hubbard,	Peters,
Brewer, B. city,	Ireland,	Rennolds,
Dorsey,	Jamison,	Rider,
Duvall,	Massey,	Spates,
Emack,	McMaster,	Starr,
Goldsborough, T.	McPherson,	Thomas,
Hammond,	Mitchell,	Toadvine,
Hoblitzell,	Morris,	Watkins, of M'y.
Hodson,	Nelson,	Wethered—32.

NEGATIVE.

Messrs.	Garey,	McCormick,
Carmichael, Pre't	Giddings,	McKaig,
Alvey,	Gill,	Merrick,
Archer,	Groome,	Motter,
Bell,	Hall,	Murray,
Brooke,	Hardcastle,	Page,
Brown,	Hayden,	Parker,
Carter,	Henderson,	Parran, John,
Chambers,	Horse, of Fred'k	Pleasants,
Cosgrove,	Howard,	Pole,
Cunningham,	Howison,	Ringgold,
Denson,	Janvier,	Ritchie,
Dent,	Johnson,	Stoddert,
Devries,	Jones,	Syester,
Dobbin,	Keating,	Tarr, of Caroline,
Evans,	Kennedy,	Vansant,
Farnandis,	Kilbourn,	Wallace,
Ferry,	Longwell,	Walsh,
Finley,	Mackubin,	Watkins, of Car.
Flaherty,	Manro,	Whitman,
Ford,	Marbury,	Wickes,
Franklin,	Maulsby,	Wilkinson—66.
Galt,		

So the substitute was rejected.

The question then recurring on the amendment submitted by Mr. Peters,

It was rejected.

Mr. Tarr, of Caroline, submitted the following amendment:

Strike out in 2d line, "unless," and insert "if;" strike out "so," and insert between "declared" and "by" the word "competent."

Pending which,

Mr. Starr moved a call of the House ;

Which was sustained.

Present at the call of the roll the following members :

Messrs. Carmichael, (President,) Alvey, Archer, Austin, Bateman, Bell, Brewer, of Baltimore city, Brooke, Brown, Buchanan, Carter, Chambers, Cosgrove, Cunningham, Denson, Dent, Devries, Dobbin, Dorsey, Duvall, Evans, Farnandis, Ferry, Finley, Ford, Franklin, Galt, Garey, Giddings, Gill, Goldsborough, of Talbot, Groome, Hall, Hammond, Hardcastle, Hayden, Henderson, Hoblitzell, Hodson, Hollyday, Horsey, of Frederick, Horsey, of Somerset, Howard, Howison, Hubbard, Ireland, Jamison, Janvier, Johnson, Jones, Keating, Kennedy, Kilbourn, Longwell, Mackubin, Manro, Marbury, Massey, Maulsby, McCormick, McMaster, McPherson, Merrick, Mitchell, Morris, Motter, Murray, Nelson, Parker, Charles S. Parran, John Parran, Perry, Peters, Pleasants, Pole, Rennolds, Rider, Ringgold, Ritchie, Silver, Spates, Starr, Stoddert, Syester, Tarr, of Caroline, Thomas, Toadvine, Vansant, Wallace, Walsh, Watkins, of Caroline, Wethered, Wickes, Wilkinson, Whitman—96.

On motion of Mr. Carter,

All further proceedings under the call were dispensed with.

The question recurring upon the amendment submitted by Mr. Tarr,

Mr. Tarr, of Caroline, demanded the yeas and nays,

Which being ordered, appeared as follows :

AFFIRMATIVE.

Messrs.	Hubbard,	Peters,
Austin,	Ireland,	Rennolds,
Brewer, of B. city,	Jamison,	Rider,
Buchanan,	Keating,	Ritchie,
Dent,	Massey,	Starr,
Dorsey,	McMaster,	Tarr, of Caroline,
Duvall,	McPherson,	Thomas,
Emack,	Mitchell,	Toadvine,
Hammond,	Morris,	Watkins, of Car.
Hodson,	Nelson,	Watkins, of M.
Horsey, of Som.	Parran, Charles S.	Wilkinson—32.

NEGATIVE.

Messrs.	Garey,	Maulsby,
Carmichael, P't.	Giddings,	McCormick,
Alvey,	Gill,	McKaig,

Archer,	Goldsborough, T.	Merrick,
Bateman,	Groome,	Motter,
Bell,	Hall,	Murray,
Brooke,	Hardcastle,	Page,
Brown,	Hayden,	Parker,
Carter,	Henderson,	Parran, John
Chambers,	Hoblitzell,	Perry,
Cosgrove,	Hollyday,	Pleasants,
Cunningham,	Horsey, of Fred.	Pole,
Denson,	Howard,	Ringgold,
Devries,	Howison,	Silver,
Dobbin,	Janvier,	Spates,
Evans,	Johnson,	Stoddert,
Farnandis,	Jones,	Syester,
Ferry,	Kennedy,	Vansant,
Finley,	Kilbourn,	Wallace,
Flaherty,	Longwell,	Whitman,
Ford,	Mackubin,	Wickes,
Franklin,	Manro,	Wilkinson—67.
Galt,	Marbury,	

So the amendment was rejected.

Mr. Motter submitted the following amendment :

Add at the end of the section : “ But before this section shall become part of this Constitution, it shall be submitted as a distinct proposition to the qualified voters of the State, at the election to be held as hereinafter provided, for the adoption or rejection of this Constitution ; and if a majority of the votes cast at said election shall be in favor of this section, then it shall become part of this Constitution, but not otherwise.”

On motion of Mr. Carter,

The previous question was ordered.

The question then recurring on the amendment submitted by Mr. Motter,

Mr. Motter demanded the yeas and nays,

Which being ordered,

Appeared as follows :

AFFIRMATIVE.

Messrs.	Hubbard,	Peters,
Austin,	Ireland,	Pole,
Brewer, B. city,	Keating,	Rennolds,
Buchanan,	Kilbourn,	Rider,
Chambers,	Massey,	Ritchie,
Dent,	Maulsby,	Silver,

Dorsey,	McMaster,	Starr,
Duvall,	McPherson,	Syester,
Emack,	Mitchell,	Thomas,
Flaherty,	Morris,	Toadvine,
Hammond,	Motter,	Watkins, Car.
Henderson,	Nelson,	Watkins, Mont.
Hodson,	Parran, Chas. S.	Wethered,
Horsey, of Som.	Parran, John,	Wilkinson—41.

NEGATIVE.

Messrs.	Galt,	Manro,
Carmichael, Pre't	Garey,	Marbury,
Alvey,	Giddings,	McCormick,
Archer,	Gill,	McKaig,
Bateman,	Goldsborough, T.	Merrick,
Bell,	Groome,	Murray,
Brooke,	Hall,	Page,
Brown,	Hardcastle,	Parker,
Carter,	Hayden,	Perry,
Cosgrove,	Hoblitzell,	Pleasants,
Cunningham,	Hollyday,	Ringgold,
Denson,	Horsey, of Fred.	Spates,
Devries,	Howard,	Stoddert,
Dobbin,	Howison,	Tarr, Caroline,
Evans,	Janvier,	Vansant,
Farnandis,	Johnson,	Wallace,
Ferry,	Jones,	Walsh,
Finley,	Kennedy,	Whitman,
Ford,	Longwell,	Wickes—58.
Franklin,	Mackubin,	

So the amendment was rejected.

Mr. Starr moved that the Convention do now adjourn.

Mr. Gill demanded the yeas and nays,

Which being ordered,

Appeared as follows :

AFFIRMATIVE.

Messrs.	Hammond,	Parran, Chas. S.
Archer,	Henderson,	Parran, Jno.
Brooke,	Horsey, of Som.	Peters,
Buchanan,	Howard,	Rennolds,
Emack,	Hubbard,	Silver,
Evans,	McPherson,	Starr,
Farnandis,	Mitchell,	Toadvine,
Ferry,	Morris,	Wethered,
Flaherty,	Nelson,	Wilkinson—27.
Ford,		

NEGATIVE.

Messrs.	Groome,	Motter,
Carmichael, P't.	Hall,	Murray,
Alvey,	Hardcastle,	Page,
Austin,	Hayden,	Parker,
Bateman,	Hodson,	Perry,
Bell,	Hollyday,	Pleasants,
Brown,	Horse, of Fred.	Pole,
Carter,	Howison,	Rider,
Chambers,	Janvier,	Ringgold,
Cunningham,	Johnson,	Ritchie,
Denson,	Jones,	Spates,
Devries,	Keating,	Stoddert,
Dobbin,	Kennedy,	Syester,
Dorsey,	Kilbourn,	Tarr, of Caroline,
Duvall,	Longwell,	Thomas,
Finley,	Mackubin,	Vansant,
Franklin,	Manro,	Wallace,
Galt,	Massey,	Walsh,
Garey,	Maulsby,	Watkins, Car.
Giddings,	McCormick,	Watkins, Mont.
Gill,	McMaster,	Whitman,
Goldsborough, T.	Merrick,	Wickes—65.

So the motion to adjourn was lost.

By unanimous consent,

Mr. Wethered submitted the following order :

Ordered, That Charles G. Griffith, Sergeant-at-Arms, be permitted to be absent two days for the purpose of making some domestic arrangements ;

Which was adopted.

Mr. Mitchell moved that the Convention do now take a recess until 8 o'clock this evening ;

Which was rejected.

Mr. Wethered moved that the Convention do now adjourn.

Mr. Denson demanded the yeas and nays,

Which being ordered,

Appeared as follows :

AFFIRMATIVE.

Messrs.	Henderson,	Peters,
Archer,	Horse, of S'mt.	Pole,
Brooke,	Howard,	Ritchie,
Buchanan,	Hubbard,	Spates,

Chambers,
Cunningham,
Ferry,
Franklin,
Hammond,

Massey,
Morris,
Motter,
Nelson,
Parran, Chas. S.

Starr,
Tarr, of Caroline,
Toadvine,
Wethered—25.

NEGATIVE.

Messrs.

Carmichael, P't.
Alvey,
Austin,
Bateman,
Bell,
Brown,
Carter,
Denson,
Devries,
Dobbin,
Dorsey,
Duvall,
Emack,
Evans,
Farnandis,
Finley,
Flaherty,
Ford,
Galt,
Garey,
Giddings,

Gill,
Goldsborough, T.
Groome,
Hall,
Hardcastle,
Hayden,
Hodson,
Hollyday,
Horsey, of Fred.
Howison,
Janvier,
Johnson,
Jones,
Keating,
Kennedy,
Longwell,
Mackubin,
Maulsby,
McCormick,
McMaster,
Merrick,

Mitchell,
Murray,
Page,
Parker,
Parran, John
Perry,
Pleasants,
Rennolds,
Rider,
Ringgold,
Silver,
Stoddert,
Syester,
Thomas,
Vansant,
Wallace,
Walsh,
Watkins, of M.
Whitman,
Wickes,
Wilkinson—63.

So the motion to adjourn was lost.

The Convention proceeded to consider Section 2 of the Supplementary Report.

The question then recurring upon the amendment proposed by Mr. Wickes, as follows :

“No county of this State shall contract any debt or obligation in the construction of any railroad, canal or other work of Internal Improvement, nor give or loan its credit to or in aid of any association or corporation, unless authorized by an act of the General Assembly, which shall be published for two months before the next election for members of the House of Delegates, in the newspapers published in such county, and shall also be approved by a majority of all the members elected to each House of the General Assembly, at its next session after said election.”

Mr. Jones moved the previous question,

Which being ordered,

It was adopted.

Mr. Carter moved that the Report of the Committee upon the Legislative Department be engrossed for a third reading.

Mr. Jones moved the previous question,

Which being sustained,

The said Report was ordered to be engrossed for a third reading.

Mr. Carter moved that the Convention take a recess until 8 o'clock this evening.

Mr. Wethered moved that the Convention adjourn ;

Which was negatived.

The question then recurring upon the proposition of Mr. Carter,

It was adopted.

The Convention accordingly, at 3 o'clock and 25 minutes, took a recess until 8 o'clock P. M.

PROCEEDI

IN COMMITTEE OF THE WHOLE.

Tuesday, July 23d, 1867.

The Committee met.

Mr. Dent in the Chair.

The Committee resumed the consideration of the Report of the Committee upon the Judiciary Department;

Pending the consideration of which,

Mr. Carter moved that the consideration of the Judiciary Department be postponed, and that the Committee take up the Report of the Committee upon the Legislative Department for consideration.

Decided in the affirmative.

The Committee then proceeded to consider the Report of the Committee on Legislative Department.

Mr. Page moved that the Committee now rise, report pro-

gress, and ask to be discharged from the further consideration of the same;

Decided in the affirmative.

EVENING SESSION, JULY 23, 1867.

The Convention met at 8 o'clock, P. M.

Present at the call of the roll the following members :

Messrs. Carmichael, (President,) Alvey, Archer, Austin, Barry, Bateman, Bell, Brewer, of Montgomery, Brooke, Buchanan, Carter, Chambers, Cunningham, Devries, Dorsey, Duvall, Emack, Evans, Farnandis, Finley, Ford, Franklin, Galt, Garey, Giddings, Gill, Goldsborough, of Talbot, Groome, Hall, Hardecastle, Hayden, Hodson, Holiday, Horsey, of Frederick, Howard, Howison, Hubbard, Ireland, Janvier, Johnson, Jones, Keating, Kennedy, Kilbourn, Longwell, Mackubin, Manro, Marbury, Maulsby, McCormick, McMaster, McPherson, Merrick, Mitchell, Morris, Motter, Murray, Nelson, Page, Parker, Charles S. Parran, John Parran, Perry, Peters, Pleasants, Pole, Renolds, Rider, Riggs, Ringgold, Ritchie, Silver, Spates, Starr, Stoddert, Syester, Tarr, of Caroline, Thomas, Toadvine, Vansant, Wallace, Walsh, Watkins, of Montgomery, Wethered, Wickes, Wilkinson—86.

Mr. Barry, by unanimous consent, submitted the following order :

Ordered, That in the absence of Chas. G. Griffith, Sergeant-at-Arms, Thos. A. Mitchell act in his place ;

Which was adopted.

Milton Y. Kidd, Secretary, appeared in his place and resumed his duties.

Mr. Garey, by unanimous consent, submitted the following order :

Ordered, That the thanks of this Convention be tendered to Walter S. Wilkinson, of Baltimore City, and James B. Groome, of Cecil County, for their very valuable services, respectively, as temporary Secretary, and Assistant Secretary ;

Which was adopted.

On motion of Mr. Jones,

The Convention resolved itself into a Committee of the Whole, (Mr. Vansant in the chair,) to consider the Report of the Committee upon the Judiciary Department.

The question recurring upon Part II, Court of Appeals, Section 14.

After some time spent in the Committee of the Whole.

The Committee rose.

(The President resumed the chair,)

And through Mr. Vansant, Chairman, reported that they had had under consideration the Report of the Committee upon the Judiciary Report—being Report No. 13—had progressed therein, but had not come to any conclusion, and asked leave to sit again.

The Report was received, and leave granted.

On motion of Mr. Mackubin,

At 9½ o'clock the Convention adjourned.

P R O C E E D I N G S IN COMMITTEE OF THE WHOLE.

Tuesday Evening, July 23, 1867.

The Committee met.

Mr. Vansant in the Chair.

The Committee then resumed the consideration of the Report of the Committee upon the Judiciary Department.

The question recurring upon Part II, Court of Appeals, Section 14,

Mr. Maulsby submitted the following amendment:

Add at the end of Section 14 the following:

“Five of the said Judges shall be at all times in attendance on the sessions of the Court of Appeals, and it shall be the duty of all said Chief Judges to meet at the city of Annapolis within ten days after their election and qualification, and adopt such rules as may be requisite to secure the attendance

of five of their number as aforesaid, and such rotation that each of said Judges shall sit in the said Court at least every second year, and the said Chief Judges, not sitting in the Court of Appeals, shall discharge their duties in the Circuits; and the Court of Appeals when in session, or any Judge thereof when said Court is not in session, may, in case of the disqualification of any or all of the Judges of any Circuit, to sit in any case, or of inability from sickness of any or all the Judges of any Circuit, or on other occasion arising, in its discretion, assign any of said Chief Judges, not sitting in the Court of Appeals, to sit in any Circuit other than that in and for which they may have been elected, and may also, on any one or more of said Judges sitting in the Court of Appeals at any session thereof becoming disabled by sickness or other cause select any of the said Judges not sitting in said Court to attend the session thereof; and it shall be the duty of the said Chief Judges, immediately on being notified, to attend the session of the said Court of Appeals, and to continue to sit therein until the removal of the disability aforesaid.

The rules which may be adopted by the said Chief Judges to secure the aforesaid results, shall be subject to modification and change by the General Assembly.

Pending the consideration of which,

Mr. Archer submitted the following amendment as a substitute for the whole Section :

PART II—COURT OF APPEALS.

SECTION 14. The Court of Appeals shall consist of a Chief Judge and four Associate Judges, and for their selection the State shall be divided into five Judicial Districts, as follows : Worcester, Somerset, Dorchester, Talbot, Caroline, Queen Anne's and Kent Counties shall compose the First District ; Cecil, Harford, Baltimore and Carroll Counties shall compose the Second District ; Baltimore City shall compose the Third District ; Allegany, Washington, Frederick and Montgomery Counties shall compose the Fourth District ; and St. Mary's, Charles, Anne Arundel, Calvert, Prince George's and Howard Counties shall compose the Fifth District ; one of the Judges of the Court of Appeals shall be elected from each of said Districts by the qualified voters thereof ; and the salary of each Judge shall be four thousand dollars (\$4,000.)

Pending the consideration of which,

Mr. Maulsby moved that the Committee rise and report progress, and ask leave to sit again ;

Decided in the affirmative.

The Committee then rose.

WEDNESDAY, July 24th, 1867.

The Convention met.

Prayer by Rev. Mr. Leech.

Present at the call of the roll the following members :

Messrs. Carmichael, (President,) Alvey, Archer, Austin, Barry, Bateman, Bell, Bennett, Brewer, of Baltimore City, Brewer, of Montgomery, Brooke, Brown, Buchanan, Carter, Chambers, Cunningham, Denson, Devries, Dorsey, Duvall, Emack, Evans, Farnandis, Ferry, Finley, Flaherty, Ford, Franklin, Galt, Garey, Giddings, Gill, Goldsborough, of Talbot, Hall, Hammond, Hardcastle, Hayden, Hoblitzell, Hodson, Hollyday, Horsey, of Frederick, Howison, Hubbard, Ireland, Jamison, Janvier, Johnson, Jones, Keating, Kennedy, Kilbourn, Longwell, Mackubin, Manro, Marbury, Massey, Maulsby, McCormick, McKaig, McMaster, McPherson, Merrick, Merryman, Mitchell, Morris, Motter, Murray, Nelson, Nicolai, Page, Parker, Charles S. Parran, John Parran, Perry, Peters, Pleasants, Pole, Rennolds, Rider, Riggs, Ringgold, Ritchie, Roman, Silver, Spates, Starr, Stoddert, Syester, Tarr, of Caroline, Thomas, Toadvine, Vansant, Wallace, Walsh, Watkins, of Montgomery, Wethered, Wickes, Wilkinson, Whitman—99.

The proceedings of yesterday were read and approved.

On motion of Mr. Carter,

The Convention resolved itself into a Committee of the Whole to consider the Report of the Committee upon the Judiciary Department, with pending amendments.

Mr. Vansant in the chair.

After some time spent in Committee of the Whole,

The Committee rose,

(The President resumed the chair,)

And through Mr. Vansant, Chairman, reported that they had had under consideration the Report No. 13—being the Report of the Committee upon the Judiciary Department—and not having arrived at the conclusion of their labors, voted to rise, and directed their Chairman to ask that the Committee be discharged from the further consideration thereof.

The Report was received, and the Committee discharged.

On motion of Mr. Archer,

The Convention then resumed the consideration of the Report of the Committee upon the Judiciary Department,

Pending which,

Mr. Archer submitted the following amendment as a substitute for Section 14, Part II :

PART II—COURT OF APPEALS.

SECTION 14. The Court of Appeals shall consist of a Chief Judge and four Associate Judges, and for their selection the State shall be divided into five Judicial Districts, as follows : Worcester, Somerset, Dorchester, Talbot, Caroline, Queen Anne's and Kent Counties shall compose the First District ; Cecil, Harford, Baltimore and Carroll Counties shall compose the Second District ; Baltimore City shall compose the Third District ; Allegany, Washington, Frederick and Montgomery Counties shall compose the Fourth District ; and St. Mary's, Charles, Anne Arundel, Calvert, Prince George's and Howard Counties shall compose the Fifth District ; one of the Judges of the Court of Appeals shall be elected from each of said Districts by the qualified voters thereof ; and the salary of each Judge shall be four thousand dollars (\$4,000.)

Pending the consideration of which,

Mr. Maulsby moved a suspension of the Rules to enable him to submit an order ;

Which was decided in the negative.

The Convention then resumed the consideration of the Report of the Committee upon the Judiciary Department.

Pending the consideration of which,

Mr. Wilkinson moved that the Convention resolve itself into a Committee of the Whole to consider the Report of the Committee upon the Judiciary Department, with pending amendments.

The question being upon concurring in the motion submitted by Mr. Wilkinson,

Mr. Nicolai demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Jamison,	Nelson,
Alvey,	Johnson,	Nicolai,
Barry,	Kennedy,	Parran, Chas. S.
Buchanan,	Kilbourn,	Peters,
Dorsey,	Manro,	Pole,
Ford,	Maulsby,	Ritchie,
Giddings,	McPherson,	Roman,
Goldsbrough, T.	Merrick,	Syester,
Hayden,	Merryman,	Walsh,
Hollyday,	Mitchell,	Wethered,
Hubbard,	Morris,	Wickes,
Ireland,	Motter,	Wilkinson—35.

NEGATIVE.

Messrs.	Ferry,	McCormick,
Carmichael, Prt.	Finley,	McKaig,
Archer,	Flaherty,	McMaster,
Austin,	Franklin,	Murray,
Bateman,	Galt,	Parran, John,
Bell,	Garey,	Pleasants,
Bennett,	Gill,	Rennolds,
Brewer, B. city.	Hall,	Rider,
Brewer, of Mont.	Hammond,	Riggs,
Brooke,	Hardcastle,	Ringgold,
Brown,	Hoblitzell,	Silver,
Carter,	Hodson,	Spates,
Chambers,	Howison,	Stoddert,
Cunningham,	Janvier,	Tarr, Car.
Denson,	Jones,	Thomas,
Devries,	Keating,	Vansant,
Duvall,	Longwell,	Wallace,
Emack,	Marbury,	Watkins, of Mo.
Evans,	Massey,	Whitman—57.
Farnandis,		

So the motion submitted by Mr. Wilkinson did not prevail, and the Convention refused to go into Committee of the Whole.

Mr. Gill submitted the following amendment as a substitute for the amendment submitted by Mr. Archer:

PART II—SECTION 14.

“The Court of Appeals shall consist of a Chief Judge and four Associate Judges, and for their selection the State shall be divided into five Judicial Districts, as follows: Worcester, Somerset, Dorchester, Talbot, Caroline, Queen Anne’s, Kent and Cecil counties shall compose the first district; Harford,

Baltimore and Carroll counties, and the first seven wards of Baltimore City, shall compose the second district; Baltimore City, except the first seven wards, shall compose the third district; Allegany, Washington, Frederick and Montgomery counties shall compose the fourth district; and St. Mary's, Charles, Anne Arundel, Calvert, Prince George's and Howard counties shall compose the fifth district. One of the Judges of the Court of Appeals shall be elected from each of the said districts by the qualified voters thereof, and the salary of each of said Judges shall be five thousand dollars."

Pending the consideration of which,

On motion of Mr. Ford,

At 2 o'clock and 55 minutes the Convention adjourned.

PROCEEDINGS

IN COMMITTEE OF THE WHOLE.

Wednesday, July 24th, 1867.

The Committee met.

Mr. Vansant in the chair.

The Committee then resumed the consideration of the Report of the Committee upon the Judiciary Department, with pending amendments;

The question recurring upon the amendment submitted by Mr. Archer as a substitute for Section 14, Part II, Court of Appeals,

Pending which,

Mr. Carter moved that the Committee rise, report progress, and ask to be discharged from the further consideration of the subject;

Decided in the affirmative.

The Committee then rose.

THURSDAY, July 25, 1867.

The Convention met.

Prayer by Rev. Mr. Leech.

Present at the call of the roll the following members :

Messrs. Carmichael, (President,) Alvey, Archer, Austin, Barnes, Barry, Bateman, Bell, Bennett, Bradley, Brewer, of Montgomery, Brooke, Brown, Buchanan, Carter, Chambers, Cosgrove, Cover, Cunningham, Dent, Devries, Dobbin, Dorsey, Duvall, Emack, Evans, Farnandis, Ferry, Finley, Ford, Franklin, Galt, Garey, Giddings, Gill, Goldsborough, of Dorchester, Goldsborough, of Talbot, Groome, Hammond, Hardcastle, Hayden, Henderson, Hoblitzell, Hodson, Holiday, Horsey, of Somerset, Howard, Howison, Hubbard, Ireland, Jamison, Janvier, Johnson, Jones, Kennedy, Kilbourn, Lee, Longwell, Mackubin, Manro, Marbury, Massey, Maulsby, McCormick, McKaig, McMaster, McPherson, Merrick, Merryman, Mitchell, Morris, Motter, Murray, Nelson, Nicolai, Page, Parker, Charles S. Parran, John Parran, Perry, Peters, Pleasants, Pole, Rennolds, Rider, Riggs, Ringgold, Ritchie, Roman, Silver, Spates, Starr, Stoddert, Syester, Tarr, of Caroline, Tarr, of Worcester, Thomas, Toadvine, Vansant, Wallace, Walsh, Watkins, of Caroline, Wethered, Wickes, Wilkinson—104.

The proceedings of yesterday were read and approved.

Mr. Ireland submitted the following order :

Ordered, That this Convention will adjourn *sine die* on the 12th day of August ;

Pending the consideration of which,

Mr. Starr submitted the following :

Strike out the word "twelfth," and insert the word "eighth."

On motion of Mr. Mitchell,

The order, with amendment, was laid on the table.

Mr. Vansant submitted the following order :

Ordered, That it be entered on the Journal that Isaac S. George, on account of a domestic affliction, has been prevented from attending the sessions of the Convention this week :

Which was adopted.

Mr. Howison, Chairman of the Committee upon Accounts, submitted the following

REPORT:

The Committee on Accounts have carefully considered the question submitted to them by the order of the Convention of the 19th instant, and respectfully report that the business of the Standing Committees, excepting the Committee on Revision and Compilation, and the Committee on Accounts, does not require the retention of all the Clerks authorized at the beginning of the session.

The duties devolving upon this class of officers are now chiefly centered on the Committee on Revision and Compilation; and in order that the clerical work in that Committee may be kept up promptly, and that there may be no delay in adjourning when the business of the Convention is completed, the Committee recommend that the Clerks, excepting the one employed by the Committee on Accounts, be required to report to the Committee on Revision for such duties as may be assigned to them by that Committee. It may be proper to remark that it is not a part of the duty of the Clerk of Revision to prepare the enrolled copies of those parts of the Constitution that have passed the Convention. His time is fully occupied upon the work of engrossing and indexing.

It is absolutely necessary that the enrolling should be promptly kept up to avoid delay in adjourning; and the Committee are of opinion that this end can only be attained by adopting the recommendation they have made.

Respectfully submitted,

JAMES R. HOWISON,

Chairman.

Which was read a first time, and

By special order, (two-thirds of all the members present concurring) a second time, and adopted.

The Convention then resumed the consideration of the unfinished business of yesterday,

Being the report of the Committee upon the Judiciary Department with pending amendments.

The question recurring upon the amendment submitted by Mr. Gill,

Pending the consideration of which,

(By unanimous consent), Mr. Gill withdrew his amendment.

The question then recurring upon the amendment submitted by Mr. Archer,

Pending the consideration of which,

The question being upon the adoption of the amendment,

Mr. Nicolai moved the previous question,

The question then being,

“Shall the previous question be now put?”

It was sustained.

Mr. Wickes demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Groome,	Nicolai,
Archer,	Hollyday,	Parker,
Bell,	Howard,	Peters,
Bradley,	Ireland,	Pleasants,
Brown,	Jamison,	Rennolds,
Buchanan,	Janvier,	Rider,
Chambers,	Jones,	Ringgold,
Cosgrove,	Kilbourn,	Silver,
Evans,	Lee,	Starr,
Farnandis,	McCormick,	Watkins, of Car.
Franklin,	McMaster,	—33.
Gill,	Mitchell,	

NEGATIVE.

Messrs.	Giddings,	Motter,
Carmichael, Prt.	Goldsborough, D.	Murray,
Alvey,	Goldsborough, T.	Nelson,
Austin,	Hammond,	Page,
Barnes,	Hardcastle,	Parran, Chas. S.
Barry,	Hayden,	Parran, John,
Bateman,	Henderson,	Perry,
Bennett,	Hoblitzell,	Pole,
Brewer, Bal. city.	Howison,	Riggs,
Brewer, of Mont.	Hubbard,	Ritchie,
Brooke,	Johnson,	Roman,
Carter,	Kennedy,	Spates,
Cover,	Longwell,	Stoddert,
Cunningham,	Mackubin,	Syester,

Devries,	Manro,	Tarr, of Wor.
Dobbin,	Marbury,	Thomas,
Dorsey,	Massey,	Vansant,
Duvall,	Maulsby,	Wallace,
Emack,	McKaig,	Walsh,
Ferry,	McPherson,	Wethered,
Finley,	Merrick,	Wickes,
Galt,	Morris,	Wilkinson—66.
Garey,		

So the amendment submitted by Mr. Archer,

Was rejected,

Mr. Archer submitted the following amendment :

PART II—COURT OF APPEALS.

SECTION 14. The Court of Appeals shall consist of a Chief Judge and four Associate Judges, and for their selection the State shall be divided into five Judicial Districts, as follows : Worcester, Somerset, Dorchester, Talbot, Caroline, Queen Anne's and Kent Counties shall compose the First District ; Cecil, Harford, Baltimore and Carroll Counties shall compose the Second District ; Baltimore City shall compose the Third District ; Allegany, Washington, Frederick and Montgomery Counties shall compose the Fourth District ; and St. Mary's, Charles, Anne Arundel, Calvert, Prince George's and Howard Counties shall compose the Fifth District ; one of the Judges of the Court of Appeals shall be elected from each of said Districts by the qualified voters thereof ; and the salary of each Judge shall be —.

Pending the consideration of which,

The question being upon its adoption,

Mr. McCormick demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Farnandis,	McMaster,
Carmichael, Prt.	Franklin,	Mitchell,
Archer,	Gill,	Nicolai,
Bell,	Groome,	Parker,
Bradley,	Hollyday,	Pleasants,
Brown,	Howard,	Rennolds,
Buchanan,	Jamison,	Rider,
Chambers,	Janvier,	Ringgold,
Cosgrove,	Jones,	Silver,

Cover,	Kilbourn,	Spates,
Dent,	Lee,	Starr,
Emack,	McCormick,	Watkins, of C--36.
Evans;		

NEGATIVE.

Messrs.	Goldsborough, T.	Motter,
Alvey,	Hammond,	Murray,
Barnes,	Hayden,	Nelson,
Barry,	Henderson,	Page,
Bateman,	Hoblitzell,	Parran, Chas. S.
Bennett,	Hodson,	Parran, John
Brewer, of B. city,	Howison	Perry,
Brewer, of Mont.	Johnson,	Peters,
Carter,	Kennedy,	Pole,
Cunningham,	Longwell,	Ritchie,
Devries,	Mackubin,	Riggs,
Dobbin,	Manro,	Thomas,
Dorsey,	Maulsby,	Stoddert,
Duvall,	Marbury,	Syester,
Ferry,	Massey,	Vansant,
Finley,	Maulsby,	Wallace,
Galt,	McKaig,	Walsh,
Garey,	McPherson,	Wethered,
Giddings,	Merrick,	Wickes,
Goldsborough, D.	Morris,	Wilkinson—58.

So the amendment submitted by Mr. Archer was rejected.

Mr. Dobbin submitted the following amendment to 14th Section :

Insert in line 2 after the word "the," where it first occurs in said line, the words "first seven of the," and after the word "state" in said line insert the words "and the Judge from the city of Baltimore especially elected thereto," and in line 4, after the word "Judge," insert as follows: "There shall be elected in the city of Baltimore, at the election for Judges to be held therein, as hereafter provided, one Judge of the Court of Appeals, whose sole duty shall be to sit in the Court of Appeals, and shall perform such further duties as may be prescribed by the General Assembly.

Which was adopted.

Section 14, as amended, was then read.

The Convention then proceeded to the consideration of the 15th Section,

Pending which Mr. Mitchell submitted the following amendment :

Insert before the first word of the Section 15—"five of the said Judges shall be at all times in attendance at the sessions of the Court of Appeals, but"

Which was rejected.

The Section was then read.

The 16th Section was then read.

Pending the consideration of the 17th Section,

Mr. McCormick submitted the following amendment :

SEC. 17. Strike out all down to the word "he," in the 3d line, and insert the following : "There shall be a Clerk of the Court of Appeals who shall be elected by the legal and qualified voters of the State, who shall hold his office for six years and until his successor is duly qualified."

Pending the consideration of which, the question recurring upon its adoption,

Mr. Merryman demanded the yeas and nays.

The demand being sustained the yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Franklin,	Mitchell,
Austin,	Galt,	Nelson,
Barnes,	Giddings,	Parker,
Bateman,	Hammond,	Parran, John
Bell,	Hardcastle,	Perry,
Bradley,	Henderson,	Peters,
Brewer, B. city,	Hodson,	Rennolds,
Brewer, of Mont.	Hollyday,	Silver,
Buchanan,	Howard,	Starr,
Chambers,	Hubbard,	Stoddert,
Cosgrove,	Johnson,	Syester,
Cover,	Manro,	Tarr, of Worc'r.
Devries,	Marbury,	Thomas,
Dorsey,	Massey,	Toadvine,
Emack,	McCormick,	Watkins, of Car.
Evans,	McMaster,	Wethered,
Ferry,	Merryman,	Wilkinson—51.
Finley,		

NEGATIVE.

Messrs.	Goldsborough, T.	Nicolai,
Carmichael, P't.	Hayden,	Page,
Alvey,	Howison,	Parran, C. S.
Archer,	Ireland,	Pleasants,
Barry,	Janvier,	Pole,

Bennett,	Jones,	Rider,
Brown,	Kennedy,	Riggs,
Carter,	Kilbourn,	Ringgold,
Cunningham,	Lee,	Ritchie,
Dent,	Longwell,	Roman,
Dobbin,	Mackubin,	Spates,
Duvall,	Maulsby,	Tarr, of Caroline,
Farnandis,	McKaig,	Wallace,
Garey,	Merrick,	Walsh,
Gill,	Motter,	Wickes—46.
Goldsborough, D.	Murray,	

So the amendment submitted by Mr. McCormick,

Was adopted.

Mr. Carter submitted the following amendment :

Section 17. And in case of a vacancy in the office of said Clerk, the Court of Appeals shall appoint a Clerk of said Court, who shall hold his office until the election and qualification of his successor, who shall be elected at the next general election for members of the General Assembly ; and the person so elected shall hold his office for the term of six years from the time of his election ;

Which was adopted.

Mr. Groome moved that the Convention do now take a recess until 8 o'clock this P. M. ;

Decided in the negative.

On motion of Mr. Merryman,

At 3 o'clock, P. M., the Convention adjourned.

FRIDAY, July 26, 1867.

The Convention met.

Prayer by Rev. Mr. Leech.

Present at the call of the roll the following members :

Messrs. Carmichael, (President,) Alvey, Archer, Austin, Barnes, Barry, Bateman, Bell, Bennett, Bradley, Brewer, of Baltimore City, Brewer, of Montgomery, Brooke, Brown, Buchanan, Carter, Chambers, Cosgrove, Cover, Cunningham, Denson, Dent, Devries, Dobbin, Dorsey, Duvall, Emack, Evans, Farnandis, Ferry, Finley, Flaherty, Ford, Franklin, Galt, Garey, Giddings, Gill, Goldsborough, of Dorchester, Goldsborough, of Talbot, Groome, Hall, Hammond, Hayden, Henderson, Hoblitzell, Hodson, Hollyday, Horsey, of Somerset, Howard, Howison, Hubbard, Ireland, Jamison, Janvier, Johnson, Jones, Kennedy, Lee, Longwell, Mackubin, Marbury, Massey, Maulsby, McCormick, McKaig, McMaster, McPherson, Merrick, Merryman, Mitchell, Morris, Motter, Murray, Nelson, Page, Parker, Chas. S. Parran, John Parran, Perry, Peters, Pole, Rennolds, Rider, Riggs, Ringgold, Ritchie, Roman, Silver, Spates, Starr, Stoddert, Syester, Tarr, of Caroline, Wallace, Walsh, Watkins, of Montgomery, Wethered, Wickes—99.

The proceedings of yesterday were read and approved.

Mr. Jones submitted the following order :

Ordered, That the Rev. Dr. Sehon, of the Southern Methodist Church, have the use of the Hall of the Convention on Monday evening, the 29th inst., for the purpose of delivering an address.

Which was adopted.

The Convention then resumed the consideration of the unfinished business of yesterday,

Being the Report of the Committee upon the Judiciary Department.

The question recurring upon the consideration of the Section 17, Part II, as amended;

Which was read.

Mr. Alvey submitted the following amendment, to be inserted as Section 18, Part II :

“Part II.—Sec. 18. It shall be the duty of the Judges of the Court of Appeals, so soon after their election under this

Constitution as practicable, to make and publish rules and regulations for the prosecution of appeals to said appellate Court, whereby they shall prescribe the periods within which appeals may be taken, what part or parts of the proceedings in the Court below shall constitute the record on appeal ; the manner in which such appeals shall be brought to hearing or determination, and regulate generally the practice of said Court of Appeals, so as to prevent delays, and promote brevity in all records and proceedings brought into said Court, and to abolish and avoid all unnecessary costs and expenses in the prosecution of appeals therein.

It shall also be the duty of said Judges of the Court of Appeals, as soon after their election as practicable, to devise, and promulgate by rules or orders, forms and modes of framing and filing bills, answers and other proceedings and pleadings in equity; and also forms and modes of taking and obtaining evidence to be used in equity causes; and to revise and regulate generally the practice in the Courts of Equity of this State, so as to prevent delays, and to promote brevity and conciseness in all pleadings and proceedings therein, and to abolish all unnecessary costs and expenses attending the same. And such rules and regulations hereby directed to be made, shall, when made, have the force of law, until rescinded, changed or modified by the said Judges or the General Assembly ;”

Mr. Gill submitted the following amendment to the amendment :

Add after the words “ expenses in the prosecution of appeals therein,” in proposed new Section 18, the words : “ and to make such reductions in the fees and expenses of the Court of Appeals as said Court may deem advisable ;”

Which was adopted.

The question then recurring upon the amendment submitted by Mr. Alvey, as amended,

It was adopted.

Pending the consideration of Part III, Circuit Courts, Section 19,

Mr. Rider submitted the following amendment as a substitute for the whole section :

“ Sec. 19. The State shall be divided into seven Judicial Circuits in manner and form following, to wit : Worcester, Somerset and Dorchester counties, shall be the first ; Caroline, Talbot, Queen Anne’s and Kent counties, the second ; Cecil, Harford and Baltimore counties, the third ; Carroll, Howard, Montgomery and Anne Arundel counties, the fourth ; Prince George’s, Calvert, Charles and St. Mary’s, the fifth ; Allegany, Washington and Frederick the sixth ; and Baltimore city the seventh.”

Mr. Devries submitted the following amendment as a substitute for the amendment submitted by Mr. Rider :

“Sec. 19. The State shall be divided into seven Judicial Circuits in manner following, viz: the counties of Washington and Allegany shall constitute the first Circuit; the counties of Frederick, Carroll, Howard and Montgomery, the second; the counties of Anne Arundel, Prince George, Calvert, Charles and St. Mary’s, the third; the counties of Baltimore and Harford, the fourth; the counties of Cecil, Kent, Queen Anne’s and Talbot, the fifth; the counties of Caroline, Dorchester, Somerset and Worcester, the sixth; the city of Baltimore the seventh;”

Pending the consideration of which,

Mr. Bateman moved the previous question.

The question then being,

“Shall the previous question be now put;”

It was sustained.

The question then recurring upon the adoption of the amendment submitted by Mr. Devries,

On motion of Mr. Devries,

The yeas and nays were ordered.

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

Messrs.	Gill,	Parran, John,
Barry,	Hoblitzell,	Rennolds,
Bell,	Mackubin,	Roman,
Brown,	Merrick,	Starr,
Buchanan,	Merryman,	Stoddert,
Devries,	Parker,	Wethered—17.

NEGATIVE.

Messrs.	Ford,	Massey,
Carmichael, P’t.	Franklin,	Maulsby,
Alvey,	Galt,	McCormick,
Austin,	Garey,	McKaig,
Barnes,	Giddings,	McMaster,
Bateman,	Goldsborough, D.	McPherson,
Bennett,	Goldsborough, T.	Mitchell,
Bradley,	Groome,	Morris,
Brewer, of Mont.	Hall,	Motter,
Brooke,	Hammond,	Murray,
Carter,	Hayden,	Nelson,

Chambers,	Henderson,	Parran, Chas. S.
Cosgrove,	Hollyday,	Peters,
Cover,	Horsey, of Som't.	Pole,
Cunningham,	Howard,	Rider,
Denson,	Howison,	Riggs,
Dent,	Hubbard,	Ringgold,
Dobbin,	Ireland,	Ritchie,
Dorsey,	Jamison,	Silver,
Duvall,	Janvier,	Syester,
Emack,	Johnson,	Tarr, of Caroline,
Evans,	Jones,	Wallace,
Farnandis,	Kennedy,	Walsh,
Ferry,	Lee,	Watkins, of Mont.
Finley,	Longwell,	Wickes—76.
Flaherty,	Marbury,	

So the amendment submitted by Mr. Devries was rejected.

The question then recurring upon the amendment submitted by Mr. Rider,

It was rejected.

Mr. Rider submitted the following amendment:

Insert in 19th Section, after "viz," the counties of Worcester, Somerset and Dorchester shall constitute the First Circuit; the counties of Caroline, Talbot, Queen Anne's, Kent and Cecil, the second; the counties of Baltimore and Harford, the third; the counties of Allegany and Washington, the fourth; the counties of Carroll, Howard, Anne Arundel and Calvert, the fifth; the counties of Montgomery and Frederick, the sixth; the counties of Prince George's, Charles and St. Mary's, the seventh; and Baltimore city the eighth.

Pending the consideration of which,

The question recurring upon its adoption,

Mr. Rider demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows:

AFFIRMATIVE.

Messrs.	Giddings,	Lee,
Austin,	Gill,	Marbury,
Barnes,	Hall,	Massey,
Barry,	Hodson,	McMaster,
Bradley,	Horsey, of Som.	Merryman,
Brooke,	Howison,	Mitchell,

Dent,
Emack,
Ferry,
Flaherty,
Franklin,

Hubbard,
Ireland,
Jamison,
Jones,

Page,
Peters,
Rider,
Tarr, of Car.—30

NEGATIVE.

Messrs.
Carmichael, Pr't.
Alvey,
Bateman,
Bennett,
Brewer, of Mont.
Brown,
Carter,
Chambers,
Cosgrove,
Cover,
Cunningham,
Denson,
Devries,
Dobbin,
Dorsey,
Duvall,

Evans,
Finley,
Galt,
Garey,
Goldsborough, D.
Goldsborough, T.
Groome,
Hammond,
Hayden,
Henderson,
Hollyday,
Howard,
Johnson,
Kennedy,
Longwell,
Mackubin,
Maulsby,

McCormick,
McKaig,
McPherson,
Merrick,
Morris,
Motter,
Murray,
Nelson,
Parran, John,
Pole,
Ritchie,
Stoddert,
Syester,
Walsh,
Watkins, of M.
Wickes—49.

So the amendment submitted by Mr. Rider was rejected.

Mr. Barry moved that the Convention do now take a recess until 8 o'clock this P. M.

The question being upon concurring in the motion,

Mr. Carter demanded the yeas and nays.

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.
Carmichael, Pr't.
Alvey,
Austin,
Barry,
Bateman,
Bennett,
Bradley,
Brown,
Carter,
Chambers,
Cover,
Cunningham,
Dent,
Devries,

Evans,
Finley,
Franklin,
Galt,
Giddings,
Gill,
Goldsborough, D.
Goldsborough, T.
Groome,
Hall,
Hammond,
Hayden,
Hoblitzell,
Hollyday,
Jamison,

Longwell,
Mackubin,
Marbury,
Maulsby,
McCormick,
McMaster,
Merrick,
Morris,
Murray,
Page,
Pole,
Rider,
Stoddert,
Syester,
Wallace,

Dobbin,
Dorsey,
Emack,

Jones,
Lee,

Walsh,
Wickes—51.

NEGATIVE.

Messrs.

Barnes,
Brewer, of Mont.
Brooke,
Cosgrove,
Denson,
Duvall,
Ferry,

Flaherty,
Garey,
Henderson,
Horsey, of Som't.
Howard,
Howison,
Hubbard,

Merryman,
Parran, Chas. S.
Ritchie,
Roman,
Tarr, of Caroline,
Watkins, of Mont.
—20.

So the Convention at 3 o'clock, P. M., took a recess until 8 o'clock, this P. M.

EVENING SESSION, JULY 26, 1867.

The Convention met at 8 o'clock P. M.

Present at the call of the roll the following members :

Messrs. Carmichael, (P't.) Alvey, Austin, Barry, Bateman, Bennett, Bradley, Brewer, of Montgomery, Brooke, Brown, Carter, Chambers, Cosgrove, Cover, Cunningham, Dent, Devries, Dobbin, Dorsey, Duvall, Emack, Finley, Ford, Franklin, Galt, Giddings, Gill, Goldsborough, of Dorchester, Goldsborough, of Talbot, Hall, Hammond, Hayden, Hoblitzell, Hollyday, Howison, Jamison, Jones, Lee, Longwell, Mackubin, Maulsby, McCormick, McMaster, Morris, Murray, Perry, Pole, Silver, Stoddert, Syester, Wallace, Walsh, Watkins, of Montgomery, Wickes—49.

No quorum being present,

Mr. Brown moved that the Convention do now adjourn.

Decided in the negative.

Mr. Gill moved a call of the House.

The call being sustained,

The roll was called and the following members responded to their names :

Messrs. Carmichael, (President,) Alvey, Austin, Barry, Bateman, Bennett, Bradley, Brewer, of Montgomery, Brooke, Brown, Carter, Chambers, Cosgrove, Cover, Cun-

ningham, Devries, Dobbin, Dorsey, Duvall, Emack, Evans, Finley, Ford, Franklin, Galt, Giddings, Gill, Goldsborough, of Dorchester, Goldsborough, of Talbot, Hall, Hammond, Hayden, Hoblitzell, Hollyday, Howard, Howison, Ireland, Jamison, Jones, Lee, Longwell, Mackubin, Maulsby, McCormick, McKaig, McMaster, Merrick, Morris, Murray, Page, Charles S. Parran, Perry, Pole, Rider, Ritchie, Silver, Stoddert, Syester, Wallace, Walsh, Watkins, of Montgomery, Wickes—61.

A quorum being present,

On motion of Mr. Barry,

All further proceedings under the call were dispensed with.

The Convention then resumed the consideration of the unfinished business of the morning's session, being the Report of the Committee upon the Judiciary Department;

The question recurring upon Section 19, Part III.

Pending which,

Mr. Hammond submitted the following amendment as a substitute for the whole Section :

PART III—CIRCUIT COURTS.

Section 19. The State shall be divided into nine Judicial Circuits, as follows: The counties of Worcester, Somerset and Dorchester shall constitute the First Circuit; the counties of Talbot, Caroline and Queen Anne's, the Second; the counties of Kent, Cecil and Harford, the Third; the counties of Baltimore and Carroll, the Fourth; the counties of Frederick and Howard, the Fifth; the counties of Allegany and Washington, the Sixth; the counties of Montgomery, Anne Arundel and Calvert, the Seventh; the counties of Prince George's, Charles and St. Mary's, the Eighth; and Baltimore City, the Ninth.

Pending the consideration of which,

On motion of Mr. Carter,

The further consideration of the Report was postponed, and the Convention proceeded to the consideration of the Report of the Committee upon Labor and Agriculture;

Pending which,

Mr. Carter submitted the following amendment:

Fill the first blank with the word "four;"

The question being on concurring in the amendment,

Mr. Stoddert demanded the yeas and nays; hosted by Google

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Franklin,	Maulsby,
Carmichael, Pr't.	Giddings,	McKaig,
Alvey,	Gill,	McMaster,
Austin,	Goldsborough, D.	Merrick,
Bennett,	Goldsborough, T.	Morris,
Bradley,	Groome,	Page,
Brewer, Mont.	Hall,	Parran, Chas. S.
Brooke,	Hayden,	Perry,
Brown,	Hoblitzell,	Pole,
Carter,	Hollyday,	Rider,
Cunningham,	Howison,	Ritchie,
Dent,	Ireland,	Stoddert,
Dobbin,	Jamison,	Walsh,
Dorsey,	Lee,	Watkins, of M.
Finley,	Longwell,	—45
Ford,	Mackubin,	

NEGATIVE.

Messrs.	Devries,	Howard,
Barry,	Duvall,	Jones,
Bateman,	Emack,	McCormick,
Chambers,	Evans,	Murray,
Cosgrove,	Galt,	Silver,
Cover,	Hammond,	Wallace—17.

So the amendment submitted by Mr. Carter,

Was adopted.

Mr. Devries moved to strike out the whole Report.

Decided in the negative.

Mr. Carter submitted the following amendment :

Fill the first blank in Section 3 with the words, “ twenty-five ;”

Which was adopted.

Mr. Carter submitted the following amendment :

Fill the second blank in Section 3 with the words, “ one thousand.”

Mr. McKaig submitted the following amendments :

Strike out the word “ his,” in the first line of the third section, and insert the word “ an ;”

Strike out all of third section, after the words “ per annum,” to the end of the section.

Mr. Page moved that the Convention do now adjourn ;
Decided in the negative.

Mr. Silver moved a call of the House ;
Which was not sustained.

On motion of Mr. Dent,

At 10 o'clock and 20 minutes, P. M., the Convention adjourned.

SATURDAY, July 27, 1867.

The Convention met.

Prayer by Rev. Mr. Hammond.

Present at the call of the roll the following members :

Messrs. Carmichael, (President,) Alvey, Austin, Barry, Bateman, Bennett, Bradley, Brewer, of Montgomery, Brooke, Brown, Carter, Chambers, Cosgrove, Cover, Cunningham, Dent, Devries, Dobbin, Duvall, Emack, Evans, Ferry, Finley, Flaherty, Ford, Franklin, Galt, Giddings, Gill, Goldsborough, of Dorchester, Goldsborough, of Talbot, Groome, Hammond, Hayden, Henderson, Hoblitzell, Holiday, Horsey, of Somerset, Howard, Howison, Ireland, Jamison, Jones, Kilbourn, Lee, Longwell, Mackubin, Maulsby, McCormick, McKaig, McMaster, Merrick, Morris, Murray, Page, Chas. S. Parran, Perry, Pole, Rider, Ritchie, Silver, Stoddert, Syester, Vansant, Wallace, Walsh, Watkins, of Montgomery, Wickes—68.

The proceedings of yesterday were read and approved.

Mr. Gill submitted the following order :

Ordered, That from and after Tuesday next, no member of this Convention shall, without leave of absence, absent himself from any session of this Body ; that the clerk shall cause to be printed on the Journal, a list of such members as may be absent without such leave, from any session, and that each member so absent without leave shall forfeit his per diem, unless, upon his return, he furnish reasons satisfactory to this Convention for such absence.

Mr. Carter submitted the following order as a substitute :

Ordered, That it is the sense of this Convention, and of the people which it represents, that the presence of all the members at its daily sessions is required for the completion of the work of this Convention within a reasonable time, and the members of the Convention are hereby earnestly requested to be present at all of its future sessions.

Pending the consideration of which,

Mr. Carter moved the previous question.

The question then being,

“Shall the previous question be now put?”

It was sustained.

The question then recurring upon the adoption of the order submitted by Mr. Carter,

It was adopted.

The question then recurring upon the order submitted by Mr. Gill, as amended, the question being upon its adoption,

Mr. McKaig demanded the yeas and nays ;

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Franklin,	Longwell,
Alvey,	Galt,	Mackubin,
Bennett,	Giddings,	Maulsby,
Bradley,	Goldsborough, D.	McMaster,
Brewer, of Mont.	Goldsborough, T.	Merrick,
Brown,	Groome,	Morris,
Carter,	Hammond,	Murray,
Chambers,	Hayden,	Parran, Chas. S.
Cosgrove,	Henderson,	Perry,
Devries,	Hoblitzell,	Pole,
Dobbin,	Hollyday,	Rider,
Duvall,	Horse, of S'mt.	Silver,
Evans,	Howard,	Vansant,
Ferry,	Ireland,	Watkins, of M.
Finley,	Jones,	Wickes—45.
Flaherty,	Kilbourn,	

NEGATIVE.

Messrs.	Dent,	McKaig,
Carmichael, P't.	Emack,	Page,
Austin,	Ford,	Ritchie,

Barry,	Gill,	Stoddert,
Bateman,	Howison,	Syester,
Brooke,	Jamison,	Wallace,
Cover,	Lee,	Walsh—22.
Cunningham,	McCormick,	

So the order submitted by Mr. Gill; as amended,
Was adopted.

Mr. Carter submitted the following order :

Ordered, That on and after Tuesday, July 30, 1867, those articles of the Constitution which have been ordered to be engrossed for a third reading, shall be taken up on their third reading in their proper order, at 10.30, A. M., at which hour the said articles shall be the order of the day, and shall have precedence over all other business, until 12 o'clock, M. ;

Which was read, and

On motion of Mr. Carter,

The further consideration thereof was postponed until Monday next.

Mr. Lee submitted the following order :

Ordered, That the use of the Hall be allowed to Allan Bankhead Magruder, Esq, of the Baltimore Bar, Tuesday night, 30th July, for the delivery of a lecture ;

Which was rejected.

Mr. Carter, Chairman of the Committee to consider all those parts of the present Constitution of Maryland which have not been referred to any Standing Committee, and to report the provision proper to be adopted for the purpose of submitting the Constitution to be framed by the Convention to the people for adoption or rejection, submitted the following :

REPORT OF THE COMMITTEE TO WHOM WAS
REFERRED ALL SUCH PARTS OF THE PRESENT
CONSTITUTION AS HAD NOT BEEN REFERRED
TO ANY OTHER COMMITTEE.

MISCELLANEOUS.

ARTICLE—

SECTION 1. Every person holding any office created by, or existing under the Constitution or laws of the State, or holding any appointment under any Court of this State, whose pay

or compensation is derived from fees or monies coming into his hands for the discharge of his official duties, shall keep a book in which shall be entered every sum, or sums of money received by him, or on his account as a payment or compensation for his performance of official duties, a copy of which entries in said book, verified by the oath of the officer by whom it is directed to be kept, shall be returned yearly to the Comptroller of the State for his inspection, and that of the General Assembly of the State, to which the Comptroller shall, at each regular session thereof, make a report showing what officers have complied with this Section; and each of the said officers, when the amount received by him for the year shall exceed the sum which he is by law entitled to retain as his salary or compensation for the discharge of his duties, and for the expenses of his office, shall yearly pay over to the Treasurer of the State the amount of such excess, subject to such disposition thereof as the General Assembly may direct; if any of such officers shall fail to comply with this requisition, such officer shall be deemed to have vacated his office, and be subject to suit by the State for the amount that ought to be paid into the Treasury; and no person holding any office created by, or existing under this Constitution or Laws of the State, or holding any appointment under any Court in this State, shall receive more than \$3,000 a year as a compensation for the discharge of his official duties, except in cases specially provided in this Constitution.

SEC. 2. The several Courts existing in this State at the time of the adoption of this Constitution, shall until superseded under its provisions, continue with like powers and jurisdiction, and in the exercise thereof, both at law and in equity, in all respects as if this Constitution had not been adopted; and when said Courts shall be so superseded, all causes then depending in said Courts shall pass into the jurisdiction of the several Courts by which they may be respectively superseded.

SEC. 3. The Governor and all officers, civil and military, now holding office under this State, whether by election or appointment, shall continue to hold, exercise and discharge the duties of their offices according to their present tenure, (unless otherwise provided in this Constitution) until they shall be superseded under its provisions, and until their successors shall be duly qualified.

SEC. 4. If at any election directed by this Constitution, any two or more candidates shall have the highest and an equal number of votes, a new election shall be ordered by the Governor, except in cases specially provided for by this Constitution.

SEC. 5. In the trial of all criminal cases, the Jury shall be the Judges of law as well as of fact.

SEC. 6. The right of trial by jury of all issues of fact in civil proceedings in the several Courts of Law in this State, where the amount in controversy exceeds the sum of five dollars, shall be inviolably preserved.

SEC. 7. All general elections in this State shall be held on the Tuesday next after the first Monday in the month of November, in the year in which they shall occur ; and the first election of all officers which under this Constitution are required to be elected by the people, shall, except in cases herein specially provided for, be held on the Tuesday next after the first Monday of November, in the year 1867.

SEC. 8. The Sheriffs of the several counties of this State, and of the City of Baltimore, shall give notice of the several elections authorized by this Constitution, in the manner prescribed by existing laws for elections to be held in this State, until said laws shall be changed.

VOTE ON THE CONSTITUTION.

For the purpose of ascertaining the sense of the people of this State in regard to the adoption or rejection of this Constitution, the Governor shall issue his Proclamation within five days after the adjournment of this Convention, directed to the Sheriffs of the City of Baltimore, and of the several counties of this State, commanding them to give notice in the manner now prescribed by law in reference to the election of members of the House of Delegates, that an election for the adoption or rejection of this Constitution, will be held in the City of Baltimore, and in the several counties of this State, on the — day of —, in the year 1867, at the usual places of holding elections for members of the House of Delegates, in said City and counties. At the said election the vote shall be by ballot ; and upon each ballot there shall be written the words "For the Constitution," or "Against the Constitution," as the voter may elect ; and the provisions of the laws of this State relating to the holding of general elections for members of the House of Delegates shall in all respects apply to, and regulate the holding of said election. It shall be the duty of the Judges of Election in said city, and in the several counties of the State, to receive, accurately count, and duly return the number of ballots so cast for or against the adoption of this Constitution, as well as any blank ballots which may be cast, to the several clerks of the Circuit Courts of this State, and to the Clerk of the Superior Court of Baltimore city, in the manner now prescribed by law in reference to the election of members of the House

of Delegates; and the several clerks aforesaid shall return to the Governor, within ten days after said election, the number of ballots cast for or against the Constitution, and the number of blank ballots; and the Governor upon receiving such returns, and ascertaining the aggregate vote throughout the State, shall by his Proclamation make known the same, and if a majority of the votes cast shall be for the adoption of this Constitution, it shall go into effect on the day of _____, 1867.

Resolution providing for the Publication of the Constitution in the newspapers of the State. Reported by the Committee to whom was referred all such parts of the Constitution as had not been referred to any other Committee.

Resolved, That a Committee of three members of the Convention, be appointed by the President, whose duty it shall be to have the Constitution as it shall be adopted by the Convention, printed in such newspapers published in Baltimore City, and in each of the several counties of the State, and for such length of time, prior to the _____ day of _____ 1867, as the said Committee shall think expedient; and the Committee on Accounts, shall out of the fund appropriated for the expenses of this Convention, pay such bills as shall be incurred by the Committee appointed under this Resolution, when properly certified by said last mentioned Committee.

ARTICLE —.

NEW COUNTIES.

The General Assembly may provide by Law for organizing new Counties, locating and removing County Seats, and changing County lines, but no new County shall be organized without the consent of the majority of the legal voters residing within the limits proposed to be formed into said new County; nor shall the lines of any County be changed without the consent of a majority of the legal voters residing within the district which under said proposed change would form a part of a County different from that to which it belonged prior to said change; and no new County shall contain less than 400 square miles, nor less than 10,000 white inhabitants; nor shall any change be made in the limits of any County whereby the population of said County would be reduced to less than 10,000 white inhabitants, or its territory reduced to less than 400 square miles.

Which was read the first time.

On motion of Mr. Giddings,

The Convention then resumed the consideration of the

unfinished business, being the Report of the Committee upon Labor and Agriculture ;

The question recurring upon the amendment submitted by Mr. McKaig to the 3d section of the Report,

On motion of Mr. McKaig,

(By unanimous consent,) the amendment submitted by him on yesterday to the 3d section was amended by striking out the words, "at the seat of Government."

The question then recurring upon the amendment submitted by Mr. McKaig, as amended,

It was adopted.

The question then recurring upon the amendment submitted by Mr. Carter, to fill blank in 3d section with the words "one thousand,"

(By unanimous consent) Mr. Carter withdrew his amendment.

Mr. Carter submitted the following amendments :

Section 3, line 1, after the word "office," the words "in such place as the Legislature shall designate ;"

Which was adopted.

Mr. Lee submitted the following amendment :

Substitute for Sec. 3,

"He shall perform such of the duties now devolved by law upon the Commissioner of Immigration and the Immigration Agent, as will promote the object for which those officers were appointed ; and such other duties as may be assigned to him by the General Assembly ; and shall receive a salary of \$2,500 a year, and after his election and qualification the offices before mentioned shall cease ;"

Which was adopted.

Mr. Carter submitted the following amendment :

Strike out sections 4 and 6 ;

Which was adopted.

Mr. Hollyday submitted the following amendment :

Section 5. He shall inquire into the undeveloped resources of wealth of the State of Maryland, more especially concerning those within the limits of the Chesapeake Bay and its tributaries, which belong to the State, and suggest such plans as may be calculated to render them valuable as sources of revenue.

Which was adopted.

Pending the reading of Section 6,

Mr. Carter submitted the following amendment :

Add at the end of Section 6, the words, "in any department of public affairs with which his office is connected ;

Which was adopted.

Pending the reading of Section 7,

Mr. Bateman submitted the following amendment :

Strike out the word, "eight," and insert the word "four ;"

Which was adopted.

Mr. Devries submitted the following amendment :

Section 7. Strike out all after the word "thereof," in 3d line, and insert, "and shall then expire unless continued by the General Assembly.

Mr. Stoddert submitted the following amendment :

Section 7, line 3. Strike out the word "may," and insert the word "shall ;" strike out the word "or," and insert the word "unless ;"

Which was rejected.

The question then recurring upon the amendment submitted by Mr. Devries,

It was adopted.

The Report was then read a second time, and,

On motion of Mr. Carter,

Ordered to be engrossed for a third reading.

Mr. Bateman (the rules being suspended, two-thirds of all the members present concurring,) submitted the following order :

Ordered, That the Committee on the Legislative Department be instructed to inquire into the expediency of reporting an article to the following effect: The offices of Commissioner of Immigration and Immigration Agent shall terminate on the adoption of this Constitution ;

Which was adopted.

On motion of Mr. Maulsby,

The Convention then proceeded to the consideration of the Report of the Committee respecting the Militia and Military affairs.

Pending the consideration of the 1st Section,

Mr. Merrick submitted the following amendment :

Section 1. Strike out all after the word "require," in line 3, down to the word "States," inclusive, in line 4 ;

Which was adopted.

The Section, as amended,

Was then read.

Pending the consideration of the 2d Section,

Mr. Dent submitted the following amendment :

Section 2. Strike out all after the word "duty," in line 8, to the end of the Section.

Mr. Stoddert submitted the following amendment as a substitute :

Section 2. Strike out the word "and," in line 10, and insert the word "of ;"

Which was rejected.

The question then recurring upon the amendment submitted by Mr. Dent,

It was rejected.

The Section was then read.

Pending the reading of the 3d Section,

Mr. Devries submitted the following amendment :

Section 3. Strike out all after "Assembly," in the second line, and insert "but may be re-enacted, except so far as is not inconsistent with this article ;"

Which was rejected.

Mr. Dent submitted the following amendment :

Strike out the whole section ;

Which was rejected.

The Report, as amended, was then read the second time, and,

On motion of Mr. Carter,

Ordered to be engrossed for a third reading.

Mr. Dobbin (by unanimous consent) submitted the following :

ANNAPOLIS, July 27th, 1867.

HON. GEORGE W. DOBBIN :

My Dear Sir—The papers of this morning report, among the proceedings of the Convention of yesterday, which does me injustice.

Attention was called to an order passed last May, requesting the Clerk of the Court of Appeals to furnish a statement of the receipts and expenses of his office from 1860 to 1866, and to which, it was alleged, "*the Clerk had as yet made no response.*"

This allegation, though no doubt believed to be correct by the honorable gentleman who made it, in Convention, certainly does not accord with the facts of the case. The printed proceedings of your Convention show that the report was made more than a month ago. It was read in Convention, and referred to the Judiciary Committee, of which you are the Chairman.

I do not wish to be placed in the position of having refused compliance with the orders of this Convention. To furnish the information desired by its three orders on this office, a careful and thorough examination of dockets, papers and records throughout a period of many years, became actually necessary. The work consumed my own time, and the time of a clerk, for more than a month, much to the delay of regular office business. Still it was performed, and the information furnished without hesitation.

And not only have I complied with the orders of Convention, but in all sincerity, I can say, whenever called upon by any member of the Convention for statistical information calculated to facilitate the work of remodeling the Constitution, I have, as far as was in my power, furnished it with the utmost promptness and cordiality.

I trust, therefore, I am not trespassing too much on your good services, when I ask the favor of you to correct the misstatement above referred to, and which has been made public through the proceedings of the Convention.

Sincerely and truly yours,

GEORGE EARLE.

See Journal, page 323 ;

Which was read.

On motion of Mr. Rider,

At 2 o'clock P. M. the Convention adjourned.

MONDAY, July 29, 1867

The Convention met.

Prayer by the Rev. Mr. Henderson.

Present at the call of the roll the following members :

Messrs. Carmichael, (President,) Alvey, Austin, Barnes, Barry, Bateman, Bennett, Bradley, Brewer, of Baltimore City, Brewer, of Montgomery, Brooke, Brown, Carter, Chambers, Cosgrove, Cover, Cunningham, Dent, Dobbin, Duvall, Emack, Evans, Ferry, Finley, Flaherty, Galt, Garey, George, Giddings, Gill, Hayden, Hoblitzell, Hodson, Horsey, of Somerset, Howard, Howison, Ireland, Jamison, Jones, Kennedy, Kilbourn, Lee, Longwell, Mackubin, McCormick, McKaig, McMaster, Merrick, Morris, Murray, Page, Chas. S. Parran, Perry, Peters, Pole, Ritchie, Stoddert, Syester, Tarr, of Caroline, Vansant, Walsh, Watkins, of Montgomery, Wethered, Wickes—64.

The proceedings of Saturday were read and approved.

Mr. Barnes submitted the following order :

Ordered, That it be entered upon the Journal that Mr. Bennolds is absent from his seat by reason of the death of his wife ;

Which was adopted.

The Convention then resumed the consideration of the order submitted by Mr. Carter on Saturday, the consideration of which had been postponed until to-day ;

Pending which,

Mr. Carter submitted the following amendment :

Strike out the words " Tuesday, July 30," and insert the words " Wednesday, July 31 ;" strike out the figure " 10," and insert the figure " 11 ;"

Which was adopted.

The Convention then resumed the consideration of the unfinished business of Saturday,

Being the Report of the Committee upon the Judiciary Department.

The question recurring upon the amendment submitted by Mr. Hammond to 19th section of said report,

Pending which,

On motion of Mr. Bateman,

The further consideration thereof was informally postponed.

On motion of Mr. Vansant,

The Convention then took up for consideration the Report of the Committee respecting the Tenure of Office, Duties and Compensation of all Civil Officers not embraced in the duties of other Standing Committees.

The 1st and 2d sections were then read ;

Pending the consideration of the 3d section,

Mr. Watkins, of Montgomery, submitted the following amendment :

Strike out all to the word "and," in 4th line, and insert, "The State Librarian shall be elected on the first Tuesday after the first Monday in November, 1867, by the qualified voters of the State, who shall hold his office for four years ;"

Pending the consideration of which,

The question recurring upon its adoption,

Mr. Watkins demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

Messrs.	Brewer, Montg'y,	Hodson,
Austin,	Cosgrove,	Horsey, of Som.
Barnes,	Cover,	Perry,
Bateman,	Duvall,	Peters,
Bradley,	Ferry,	Watkins, of M'y.
Brewer, B. city,	Flaherty,	—16

NEGATIVE.

Messrs.	Garey,	McCormick,
Carmichael, Pre't	George,	McKaig,
Alvey,	Giddings,	McMaster,
Barry,	Gill,	Merrick,
Bennett,	Hayden,	Morris,
Brooke,	Hoblitzell,	Murray,
Brown,	Howard,	Page,
Carter,	Howison,	Parran, Chas. S.
Chambers,	Ireland,	Pole,
Cunningham,	Jamison,	Ritchie,
Dent,	Jones,	Stoddert,

Dobbin,	Kennedy,	Syester,
Emack,	Kilbourn,	Tarr, of Caroline,
Evans,	Lee,	Vansant,
Finley,	Longwell,	Walsh,
Franklin,	Mackubin,	Wickes—48.
Galt,		

So the amendment submitted by Mr. Watkins, of Montgomery, was rejected.

Mr. Ireland submitted the following amendment :

Strike out all from the word “shall,” exclusive, in 1st line, to the word “His,” in 5th line, and insert, “be elected by a joint vote of the two branches of the General Assembly for four years, and until his successor^a shall be elected and qualified.”

Pending the consideration of which,

The question recurring upon its adoption,

Mr. Ireland demanded the yeas and nays.

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Finley,	McCormick,
Bateman,	Flaherty,	Parran, Chas. S.
Bradley,	Franklin,	Perry,
Brewer, B. city,	Giddings,	Peters,
Cosgrove,	Horse, of Som.	Ritchie,
Dent,	Ireland,	Stoddert,
Evans,	Jamison,	Wickes—22.
Ferry,	Kilbourn,	

NEGATIVE.

Messrs.	Duvall,	Longwell,
Carmichael, Pre't	Emack,	Mackubin,
Alvey,	Galt,	McKaig,
Austin,	Garey,	McMaster,
Barry,	George,	Merrick,
Bennett,	Gill,	Morris,
Brewer, of Mont.	Hayden,	Murray,
Brooke,	Hoblitzell,	Page,
Brown,	Hodson,	Pole,
Carter,	Howard,	Syester,
Chambers,	Howison,	Vansant,
Cover,	Jones,	Walsh,
Cunningham,	Kennedy,	Watkins, Mont.
Dobbin,	Lee,	Wethered—41.

So the amendment submitted by Mr. Ireland was rejected.

Mr. Howison submitted the following amendment :

Strike out all after the word "law," in the 7th line, to the end of the Section.

Mr. Longwell submitted the following amendment :

Add at the end of Section 3 the words "exceeding the sum of three hundred dollars per annum."

Which was rejected.

The question then recurring upon the amendment submitted by Mr. Howison,

It was rejected.

On motion of Mr. Syester, by unanimous consent, the vote by which the 1st Section of the Report was ordered to a second reading was reconsidered.

The question then recurring upon the consideration of the 1st Section,

Mr. Syester submitted the following amendment :

Strike out the word "second," in 4th line, Section 1st, and insert "four;" add to the 1st Section the following : at the first meeting after their election and qualification, or as soon thereafter as practicable, the said Commissioners shall determine, by lot, which of their number shall hold office for two or four years, respectively, so that as nearly one-half as may be of the said Commissioners shall hold their office for two years, and the remaining Commissioners for four years ; and thereafter there shall be elected as aforesaid, at each general election for county officers, County Commissioners for four years to fill the places of those whose term has expired. Their number, compensation and duties in each county shall be fixed by the Legislature, but their powers and duties shall be uniform throughout the State.

Pending the consideration of which,

The question recurring upon its adoption,

Mr. Stoddert demanded the yeas and nays ;

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Finley,	McMaster,
Carmichael, P't.	Galt,	Page,
Alvey,	Hayden,	Parran, Charles S.

Barnes,	Howard,	Pole,
Bennett,	Ireland,	Syester,
Bradley,	Jones,	Watkins, of Mont
Chambers,	Longwell,	—20
Duvall,		

NEGATIVE.

Messrs.	Evans,	McCormick,
Austin,	Ferry,	McKaig,
Barry,	Franklin,	Merrick,
Bateman,	Garey,	Morris,
Brewer, Mont'y,	George,	Murray,
Brooke,	Giddings,	Perry,
Brown,	Gill,	Peters,
Carter,	Hoblitzell,	Ritchie,
Cosgrove,	Horsey, of Som.	Stoddert,
Cover,	Howison,	Tarr, of Caroline,
Cunningham,	Jamison,	Vansant,
Dent,	Kilbourn,	Walsh,
Dobbin,	Lee,	Wickes—40.
Emack,	Mackubin,	

So the amendment submitted by Mr. Syester,
Was rejected.

Mr. Kilbourn submitted the following amendment :

Sec. 1. After the word "ticket," in the second line, insert the words "of each county ;"

Which was adopted.

The section as amended was then read.

The Convention then resumed the consideration of the 3d Section ;

Pending which,

Mr. Barry submitted the following amendment :

Sec. 3. Add to the end of the section, "and it shall be the duty of the Legislature, at its first session after the adoption of this Constitution, to pass a law regulating the mode and manner in which the books in the Library shall be kept and accounted for by the Librarian, and requiring the Librarian to give a bond, in such penalty as the Legislature may affix, for the proper discharge of his duties ;"

Which was adopted.

The section, as amended, was then read.

Pending the consideration of the 4th Section,

Mr. Austin submitted the following amendment:

Section 4. Strike out all after the word "be," in 2d line, and insert, "elected by the qualified voters of the State on the Tuesday next after the first Monday in the month of November, 1867, and on the same day in every fourth year thereafter, who shall hold his office for the term of four years from the 1st Monday in January ensuing his election."

Pending the consideration of which,

The question recurring upon the adoption of the amendment,

Mr. Austin demanded the yeas and nays.

The demand being sustained,

The yeas and nays were ordered and appeared as follows:

AFFIRMATIVE.

Messrs.	Duvall,	Horsey, of Som.
Austin,	Emack,	Ireland,
Barnes,	Evans,	Jamison,
Bateman,	Ferry,	Kilbourn,
Bradley,	Finley,	Lee,
Brewer, B. city.	Flaherty,	McCormick,
Brewer, of Mont.	Franklin,	Perry,
Brooke,	Garey,	Peters,
Chambers,	George,	Syester,
Cosgrove,	Giddings,	Walsh,
Cover,	Hoblitzell,	Watkins, M.—32.

NEGATIVE.

Messrs.	Gill,	Morris,
Carmichael, P't.	Hayden,	Murray,
Alvey,	Howard,	Page,
Barry,	Howison,	Parran, Chas. S.
Bennett,	Jones,	Pole,
Brown,	Kennedy,	Ritchie,
Carter,	Longwell,	Stoddert,
Cunningham,	Mackubin,	Tarr, of Caroline,
Dent,	McKaig,	Vansant,
Dobbin,	McMaster,	Wethered,
Galt,	Merrick,	Wickes—32.

So the amendment submitted by Mr. Austin was rejected.

On motion of Mr. Howard,

The further consideration of the 4th Section was postponed.

And the Convention proceeded to the consideration of the 5th Section ;

Pending which,

Mr. Lee submitted the following amendment :

“Strike out the whole section ;”

Pending the consideration of which,

On motion of Mr. Tarr, of Caroline,

At 3 o'clock and 10 minutes P. M., the Convention adjourned.

TUESDAY, July 30th, 1867.

The Convention met.

Prayer by Rev. Mr. Burke.

Present at the call of the roll the following members :

Messrs. Carmichael, (President,) Alvey, Archer, Austin, Barnes, Barry, Bateman, Bell, Bennett, Bradley, Brent, Brewer, of Baltimore City, Brewer, of Montgomery, Brooke, Brown, Buchanan, Chambers, Cosgrove, Cover, Cunningham, Denson, Dent, Dobbin, Dorsey, Duvall, Emack, Evans, Farnandis, Ferry, Finley, Flaherty, Galt, Garey, George, Giddings, Gill, Hall, Hammond, Hayden, Henderson, Hoblitzell, Hodson, Hollyday, Horsey, of Frederick, Horsey, of Somerset, Howard, Howison, Hubbard, Ireland, Jamison, Johnson, Jones, Keating, Kennedy, Kilbourn, Lee, Longwell, Mackubin, Manro, Massey, Maulsby, McCormick, McKaig, McMaster, McPherson, Merrick, Merryman, Mitchell, Morris, Motter, Murray, Nicolai, Page, Charles S. Parran, Perry, Peters, Pleasants, Pole, Rider, Riggs, Ringgold, Ritchie, Rogers, Roman, Spates, Starr, Stoddert, Syester, Tarr, of Caroline, Tarr, of Worcester, Thomas, Vansant, Walsh, Watkins, of Montgomery, Wethered, Wickes, Whitman—97.

The proceedings of yesterday were read and approved. Google

The Convention then resumed the consideration of the unfinished business of yesterday,

Being the Report of the Committee respecting the Tenure of Office, Duties and Compensation of all Civil Officers not embraced in the Duties of other Standing Committees.

The question recurring upon the amendment submitted by Mr. Lee, to strike out the whole of Section 5,

Pending which,

On motion of Mr. Bateman,

The Convention resumed the consideration of Section 4—in connection with Section 5.

Pending which,

Mr. Bateman submitted the following amendment:

Strike out Sections 4 and 5, and insert the following in lieu thereof:

Section 4. The office of Commissioner of the Land Office, and Keeper of the Chancery Records, shall be abolished from and after the election and qualification of the Clerk of the Court of Appeals, who shall perform all the duties now required of said Commissioners, except to sit as Judge of the Land Office, which duty shall be performed by the Judge of the Court of Appeals elected for the City of Baltimore. For the duties thus imposed, the Clerk shall charge such fees as are now, or may hereafter be prescribed by law, and shall account for the same according to the provisions of this Constitution.

Pending the consideration of which,

Mr. Page moved the previous question,

The question then being,

“Shall the previous question be now put;”

It was sustained.

The question then recurring upon the amendment submitted by Mr. Bateman,

Mr. Stoddert demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called and appeared as follows:

AFFIRMATIVE.

Messrs.	Finley,	Maulsby,
Alvey,	Galt,	McCormick,
Archer,	Garey,	McPherson,
Barnes,	George,	Merrick,
Barry,	Gill,	Merryman,
Bateman,	Hall,	Murray,
Bell,	Hammond,	Pleasants,
Bennett,	Hayden,	Pole,
Bradley,	Henderson,	Riggs,
Brown,	Hollyday,	Ringgold,
Buchanan,	Horse, of Fred.	Starr,
Chambers,	Horse, of Som.	Stoddert,
Cover,	Howard,	Syester,
Denson,	Ireland,	Tarr, of Caroline,
Duvall,	Keating,	Thomas,
Emack,	Kennedy,	Vansant,
Evans,	Kilbourn,	Walsh,
Farnandis,	Lee,	Watkins, of Mon.
Ferry,	Massey,	Whitman—56.

NEGATIVE.

Messrs.	Hodson,	Morris,
Carmichael (P't.)	Howison,	Motter,
Austin,	Hubbard,	Nicolai,
Brent,	Jamison,	Page,
Brewer, of Mont.	Johnson,	Parran, Chas. S.
Brooke,	Jones,	Peters,
Cunningham,	Longwell,	Rider,
Dent,	Mackubin,	Ritchie,
Dobbin,	Manro,	Rogers,
Dorsey,	McKaig,	Roman,
Flaherty,	McMaster,	Spates,
Giddings,	Mitchell,	Wethered—35.

So the amendment submitted by Mr. Bateman was adopted.

Section 4 as amended was then read.

Section 5 (late Section 6) was then read.

Pending the reading of Section 6 (late Section 7,)

Mr. Merrick submitted the following amendment:

Strike out the whole Section ;

Which was adopted.

The question then recurring upon the Report as amended,

On motion of Mr. Walsh,

The further consideration of the Report was postponed until to-morrow at 11 o'clock A. M.

The Convention then proceeded to the consideration of the Report of the Committee Respecting Future Amendments to the Constitution.

Pending the consideration of Section 1,

Mr. Brown submitted the following amendment:

Section 1, line 13. After the word "language," insert the words "once a week ;"

Which was adopted.

Mr. Gill moved that the further consideration of the Report be informally postponed ;

Decided in the negative.

Mr. Ritchie submitted the following amendment :

Section 1, line 4. After the word "Section," insert the words "as the case may be ;"

Which was adopted.

Mr. Gill submitted the following amendment :

Section 1, line 14. Strike out the words, "next ensuing general election," and insert the words, "time, to be prescribed by the General Assembly when the vote thereon shall be taken ;

Which was rejected.

Mr. Tarr, of Caroline, submitted the following amendment :

Section 1, line 14. Strike out the words, "next ensuing general election," and insert the word, "time ;"

Which was rejected.

Mr. Peters submitted the following amendment :

Insert after the word "State," in the 28th line, "And if the Governor of the State should, from any unwillingness to perform this duty, or from any other cause, refuse, fail, or neglect to do it, then it shall be the duty of the Clerks of the several counties, within thirty days after the limitation of the time for the Governor to make his proclamation, if a majority of the votes of the State have been cast for said

amendment or amendments, to certify the returns to the next General Assembly that may convene after said election, and said amendment or amendments shall be fully engrafted in the Constitution, and shall become a part of it, from the limitation of the time within which the said clerks are hereby required to make their returns to the General Assembly ;

Which was rejected.

The Section, as amended, was then read.

Pending the consideration of Section 2,

Mr. Maulsby submitted the following amendment :

Section 2. Strike out the words, "or next after," in lines 4 and 5 ;

Which was adopted.

Mr. Mitchell submitted the following amendment :

Strike out the whole Section ;

Which was rejected.

Mr. Stoddert submitted the following amendment :

Section 2, line 6. Strike out the word "twenty," and insert the word "ten ;"

Which was rejected.

Mr. Tarr, of Caroline, submitted the following amendment :

Strike out the whole Section, and insert the following :

Section 2. No Convention shall be called or convened for revising, altering, or amending the Constitution of this State, without provision is first made, by the General Assembly, for taking the sense of the legal voters of the State in regard to calling or convening such Convention ;

Which was rejected.

The Report, as amended, was then read a second time, and,

On motion of Mr. Watkins, of Montgomery,

Ordered to be engrossed for a third reading.

On motion of Mr. Dobbin,

The Convention then resumed the consideration of the Report of the Committee upon the Judiciary Department,

The question recurring upon the amendment submitted by Mr. Hammond, as a substitute for Section 19.

Pending which,

Mr. Kennedy moved the previous question.

The question then being,

“ Shall the previous question be now put ;”

It was sustained.

The question then recurring upon the adoption of the amendment,

Mr. Wickes demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

Messrs.		
Carmichael, Prt.	Hall,	Mitchell,
Austin,	Hammond,	Parran, Chas. S.
Bradley,	Hollyday,	Peters,
Brent,	Hubbard,	Rider,
Brewer, Bal. city.	Ireland,	Roman,
Brooke,	Jamison,	Spates,
Dent,	Massey,	Tarr, Caroline,
Giddings,	Merryman,	Tarr, of Wor.

NEGATIVE.

Messrs.		
Alvey,	Finley,	McCormick,
Archer,	Flaherty,	McMaster,
Barnes,	Galt,	Merrick,
Barry,	Garey,	Morris,
Bateman,	George,	Murray,
Bell,	Gill,	Nicolai,
Bennett,	Hayden,	Page,
Brewer, of Mont.	Henderson,	Pleasants,
Brown,	Horse, of Fred.	Pole,
Buchanan,	Horse, of Som.	Riggs,
Chambers,	Howard,	Ringgold,
Cover,	Howison,	Ritchie,
Cunningham,	Johnson,	Rogers,
Denson,	Jones,	Starr,
Dobbin,	Keating,	Stoddert,
Dorsey,	Kennedy,	Syester,
Duvall,	Kilbourn,	Thomas,
Emack,	Lee,	Vansant,
Evans,	Longwell,	Walsh,
Farnandis,	Mackubin,	Watkins, of Mon.
Ferry,	Manro,	Whitman,
	Maulsby,	Wickes—65.

So the amendment submitted by Mr. Hammond was rejected.

Mr. Giddings submitted the following amendment:

Section 19. Strike out all after the word "fourth," in the 6th line, to the word "seventh," inclusive, on the 9th line, and insert, "the counties of Anne Arundel, Calvert, Howard and Carroll, the Fifth; the counties of Frederick and Montgomery, the Sixth; the counties of Prince George's, Charles and St. Mary's, the Seventh."

Pending the consideration of which,

Mr. Ireland demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called and appeared as follows:

AFFIRMATIVE.

Messrs.	George,	Massey,
Barnes,	Giddings,	McMaster,
Bradley,	Hall,	Merryman,
Brent,	Hammond,	Mitchell,
Brewer, B. city.	Hollyday,	Peters,
Brewer, of Mont.	Horse, of Fred.	Rider,
Brooke,	Horse, of Som.	Riggs,
Denson,	Howison,	Ritchie,
Dent,	Hubbard,	Roman,
Duval,	Ireland,	Spates,
Emack,	Jamison,	Tarr, Car.
Farnandis,	Jones,	Tarr, Wor'r,
Ferry,	Keating,	Vansant,
Flaherty,	Lee,	Whitman—42.
Garey,		

NEGATIVE.

Messrs.	Finley,	Morris,
Carmichael, Prt.	Galt,	Murray,
Alvey,	Gill,	Nicolai,
Austin,	Hayden,	Page,
Barry,	Henderson,	Pleasants,
Bell,	Howard,	Pole,
Bennett,	Johnson,	Ringgold,
Brown,	Kennedy,	Starr,
Buchanan,	Kilbourn,	Stoddert,
Chambers,	Longwell,	Thomas,
Cover,	Mackubin,	Walsh,
Cunningham,	Manro,	Watkins, of Mon.

Dobbin,	Maulsby,	Wethered,
Dorsey,	McCormick,	Wickes—43.
Evans,	Merrick,	

So the amendment submitted by Mr. Giddings

Was rejected.

Mr. Horsey, of Somerset, moved that the Convention do now adjourn.

The question recurring upon sustaining the motion,

Mr. Gill demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Flaherty,	Ritchie,
Barnes,	George,	Roman,
Barry,	Giddings,	Spates,
Bell,	Henderson,	Starr,
Brewer, of B. city,	Horsey, of Som.	Tarr, of Worc'r,
Buchanan,	Howison	Vansant,
Denson,	Kennedy,	Walsh,
Dent,	Merryman,	Wethered,
Evans,	Parran, Chas. S.	Whitman—28.
Ferry,	Peters,	

NEGATIVE.

Messrs.	Gill,	McCormick,
Carmichael, Prt.	Hall,	McMaster,
Alvey,	Hammond,	Merrick,
Austin,	Hayden,	Mitchell,
Bennett,	Hollyday,	Morris,
Bradley,	Horsey, of F'k.	Murray,
Brent,	Howard,	Nicolai,
Brewer, of Mont.	Hubbard,	Page,
Brown,	Ireland,	Pleasants,
Chambers,	Jamison,	Pole,
Cover,	Johnson,	Rider,
Cunningham,	Jones,	Riggs,
Dobbin,	Keating,	Ringgold,
Dorsey,	Kilbourn,	Rogers,
Duvall,	Lee,	Stoddert,
Farnandis,	Longwell,	Tarr, of Car.
Finley,	Manro,	Thomas,
Galt,	Massey,	Watkins, of Mon.
Garey,	Maulsby,	Wickes—56.

So the motion to adjourn did not prevail.

On motion of Mr. Brown,

At 3 $\frac{1}{4}$ o'clock P. M. the Convention took a recess until 8 o'clock this P. M.

EVENING SESSION, JULY 30, 1867.

The Convention met.

Present at the call of the roll the following members :

Messrs. Carmichael, (President,) Alvey, Austin, Barry, Bateman, Bell, Bennett, Bradley, Brent, Brewer, of Montgomery, Brooke, Brown, Buchanan, Chambers, Cosgrove, Cover, Cunningham, Devries, Dobbin, Dorsey, Duvall, Evans, Farnandis, Finley, Galt, Giddings, Gill, Groome, Hall, Hammond, Hayden, Hoblitzell, Hollyday, Horsey, of Frederick, Howard, Howison, Hubbard, Ireland, Jamison, Johnson, Jones, Keating, Kennedy, Lee, Longwell, Mackubin, Manro, Massey, Maulsby, McCormick, McMaster, McPherson, Merrick, Mitchell, Morris, Motter, Murray, Nicolai, Page, C. S. Parran, Perry, Peters, Pleasants, Pole, Rider, Riggs, Ringgold, Ritchie, Roman, Spates, Starr, Stoddert, Syester, Tarr, of Caroline, Tarr, of Worcester, Thomas, Wallace, Walsh, Watkins, of Montgomery, Wethered, Wickes—78.

The Convention resumed the consideration of the Report of the Committee upon the Judiciary Department.

The question recurring upon the 19th Section said Report,

Pending which Mr. Watkins, of Montgomery, moved that the further consideration of the Section be informally postponed ;

Decided in the negative.

Mr. Watkins, of Montgomery, submitted the following amendment :

Section 19, line 1, strike out the word "eight," and insert the word "seven."

Pending the consideration of which,

Mr. Jones moved the previous question.

The question then being,

“Shall the previous question be now put;”

It was sustained.

The question then recurring upon the amendment submitted by Mr. Watkins, of Montgomery;

It was rejected.

Mr. Tarr, of Caroline, submitted the following amendment:

Section 19, line 3. Strike out the word “Caroline,” and insert after the word “of,” in line 4, the word “Caroline;”

Pending the consideration of which,

The question recurring upon its adoption,

Mr. Tarr, of Caroline, demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called and appeared as follows:

AFFIRMATIVE.

Messrs.	Hollyday,	Nicolai,
Austin,	Horsey, of Fred'k	Peters,
Barry,	Hubbard,	Pole,
Brent,	Ireland,	Rider,
Brewer, of Mont.	Jamison,	Riggs,
Brooke,	Jones,	Ringgold,
Cosgrove,	Kennedy,	Spates,
Cover,	Manro,	Starr,
Devries,	Massey,	Tarr, of Caroline,
Dorsey,	McCormick,	Tarr, of Worces'r,
Evans,	McPherson,	Thomas,
Giddings,	Mitchell,	Wallace,
Groome,	Morris,	Watkins, of Mont.
Hall,	Murray,	Wethered—41.

NEGATIVE.

Messrs.	Dobbin,	Mackubin,
Carmichael, P't.	Farnandis,	Maulsby,
Alvey,	Finley,	McMaster,
Bateman,	Galt,	Merrick,
Bell,	Gill,	Page,
Bennett,	Hayden,	Pleasants,
Bradley,	Howard,	Ritchie,
Brown,	Howison,	Stoddert,
Buchanan,	Keating,	Syester,
Chambers,	Lee,	Walsh,
Cunningham,	Longwell,	Wickes—32.

So the amendment submitted by Mr. Tarr, of Caroline,
Was adopted.

Pending the call of the yeas and nays on the above amendment,

Mr. Hammond asked to be excused from voting,

On motion of Mr. Hollyday,

Mr. Hammond was so excused.

Mr. Watkins, of Montgomery, submitted the following amendment as a substitute for the whole section :

Section 19.

“The State shall be divided into seven Judicial Circuits, in manner and form following, to wit : Worcester, Somerset, Dorchester and Caroline counties, the first ; Queen Anne’s, Kent, Cecil, Talbot and Harford counties, the second ; Baltimore and Carroll counties, the third ; Howard, Frederick and Montgomery counties, the fourth ; Washington and Allegany counties, the fifth ; Prince George’s, St. Mary’s, Charles, Anne Arundel and Calvert, the sixth ; and Baltimore city the seventh.”

Pending the consideration of which,

The question recurring upon its adoption,

Mr. Page demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.		
Carmichael, Pr’t.	Cover,	Parran, Chas. S.
Austin,	Devries,	Pleasants,
Bateman,	Dorsey,	Riggs,
Bell,	Hall,	Roman,
Bradley,	Hammond,	Syester,
Brewer, of Mont.	Hollyday,	Thomas,
Brown,	Massey,	Watkins, of Mont.
	McMaster,	—22

NEGATIVE.

Messrs.		
Alvey,	Horse, of Fre’k.	Motter,
Barry,	Howard,	Murray,
Bennett,	Howison,	Nicolai,
Brent,	Hubbard,	Page,
Brooke,	Ireland,	Peters,
	Jamison,	Pole,

Buchanan,	Jones,	Rider,
Chambers,	Keating,	Ringgold,
Cosgrove,	Kennedy,	Ritchie,
Cunningham,	Lee,	Spates,
Dobbin,	Longwell,	Starr,
Evans,	Mackubin,	Stoddert,
Farnandis,	Manro,	Tarr, of Caroline,
Finley,	Maulsby,	Tarr, of Worc'r.
Galt,	McCormick,	Wallace,
Giddings,	McPherson,	Walsh,
Gill,	Merrick,	Wethered,
Groome,	Mitchell,	Wickes—55.
Hayden,	Morris,	

So the amendment submitted by Mr. Watkins, of Montgomery, was rejected.

The 19th Section, as amended, was then read.

Mr. Hollyday moved that the Convention do now adjourn;

Decided in the negative.

The 20th Section was then read.

Pending the reading of the 21st Section,

Mr. Mackubin submitted the following amendment :

Section 21. Strike out all after the word "elected," in the 15th line, to the word "one," in the 19th line, and insert : "The said Judges shall hold not less than two terms of the Circuit Court in each of the Counties composing their respective Circuits, at such times as now are or may hereafter be prescribed, to which jurors shall be summoned, and in those Counties where only two such terms are held, two other and intermediate terms, to which jurors shall not be summoned; they may alter or fix the times for holding any or all terms until otherwise prescribed, and shall adopt rules to the end that all business not requiring the interposition of a jury, shall be, as far as practicable, disposed of at said intermediate terms ;"

Which was adopted.

On motion of Mr. Mitchell,

At 10 o'clock and 10 minutes P. M., the Convention adjourned.

WEDNESDAY, July 31, 1867.

The Convention met.

Prayer by Rev. Mr. Henderson.

Present at the call of the roll the following members :

Messrs. Carmichael, (President,) Alvey, Archer, Austin, Barry, Bateman, Bell, Bennett, Bradley, Brewer, of Baltimore city, Brewer, of Montgomery, Brooke, Brown, Buchanan, Carter, Chambers, Cosgrove, Cover, Cunningham, Denson, Devries, Dobbin, Dorsey, Duvall, Emack, Evans, Farnandis, Ferry, Finley, Flaherty, Ford, Galt, Garey, George, Giddings, Gill, Goldsborough, of Dorchester, Groome, Hall, Hammond, Hardcastle, Hayden, Henderson, Hoblitzell, Hollyday, Horsey, of Frederick, Horsey, of Somerset, Howard, Howison, Hubbard, Ireland, Jamison, Johnson, Jones, Keating, Kennedy, Kilbourn, Lee, Longwell, Mackubin, Manro, Massey, Maulsby, McCormick, McKaig, McMaster, McPherson, Merrick, Mitchell, Morris, Motter, Murray, Nelson, Nicolai, Page, Chas. S. Parran, Perry, Peters, Pleasants, Pole, Rider, Riggs, Ringgold, Ritchie, Roman, Silver, Spates, Starr, Stoddert, Syester, Tarr, of Caroline, Tarr, of Worcester, Thomas, Vansant, Wallace, Walsh, Watkins, of Montgomery, Wethered, Wickes, Wilkinson, Whitman—100.

The proceedings of yesterday were read and approved.

Mr. Johnson submitted the following order :

Ordered, That it be entered on the Journal that Mr. Marbury is detained from his seat by severe indisposition;

Which was adopted.

Mr. Hollyday submitted the following order :

Ordered, That it be entered on the Journal that Mr. Goldsborough, of Talbot, is detained from his seat by sickness in his family;

Which was adopted.

Mr. Rider submitted the following order :

Ordered, That the Report of the Committee upon the Formation of a New County out of portions of Somerset and Worcester counties be made the special order of the day for tomorrow, (Thursday,) at 12 o'clock, M. ;

Which was adopted.

The hour having arrived for taking up the order of the day, being the Reports which had been ordered to be engrossed for a 3d reading,

Mr. Lee, Chairman of the Committee upon Revision and Compilation, submitted the following Report :

The Committee on Revision and Compilation to which was referred the Engrossed Report on the Declaration of Rights, has carefully revised the same, and recommends the following amendments. The lines referred to are those in the copy printed under the order of the Convention of June 20th, 1867 :

1st. Article 15, line 1. After the word "by," insert the word "the."

2d. Article 32, line 3. After the word "case," insert the word "to."

3d. Article 34. Add the letter "s" to the word "Department," in the 1st line.

4th. Article 36, line 6. After the word "religion," strike out the words "any man," and insert the word "he."

5th. Article 39, line 4. After the word "generally," strike out the word "esteemed," and insert the word "esteem."

Respectfully submitted.

J. F. LEE,
Chairman.

Which was adopted.

The Convention then proceeded to the third reading of the Report of the Committee to consider and Report upon the Declaration of Rights.

Pending the reading of the 2d Article,

Mr. Peters moved that the Report be opened for amendments, and be considered *seriatim*, to enable him to submit the following amendment :

Article 2. Strike out all after the word "and," in 1st line, and insert "The Constitution of the State of Maryland shall be the supreme law of the State."

The President decided that the amendment was not in order without a majority of the Convention shall so determine.

The motion submitted by Mr. Peters was not concurred in.

Pending the reading of Article 24,

Mr. Peters moved to open the Report, to enable him to submit the following amendment :

Section 24. Strike out all after the word "slavery," in the 1st line, to the word "in," in the 1st line ; and strike out the word "abolished," in the 2d line, and insert the word "destroyed."

The question recurring upon sustaining the motion,

Mr. Ford demanded the yeas and nays.

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Horsey, of Som.	Riggs,
Austin,	Hubbard,	Ritchie,
Brewer, of Balto.	Ireland,	Starr,
Brewer, of Mont.	Jamison,	Stoddert,
Dorsey,	Massey,	Tarr, of Caroline,
Duvall,	Mitchell,	Thomas,
Ferry,	Morris,	Watkins, of Mont.
Ford,	Nelson,	Wethered,
Goldsborough, D.	Parran, Chas. S.	Wilkinson—28.
Hammond,	Peters,	

NEGATIVE.

Messrs.	Finley,	Longwell,
Carmichael, Pr't.	Flaherty,	Mackubin,
Alvey,	Galt,	Manro,
Archer,	Garey,	Maulsby,
Barry,	George,	McCormick,
Bateman,	Giddings,	McKaig,
Bell,	Gill,	McMaster,
Bennett,	Hall,	McPherson,
Bradley,	Hardcastle,	Merrick,
Brooke,	Hayden,	Motter,
Brown,	Henderson,	Murray,
Buchanan,	Hollyday,	Perry,
Carter,	Horsey, of Fred.	Pleasants,
Chambers,	Howard,	Pole,
Cosgrove,	Howison,	Silver,
Cover,	Johnson,	Spates,
Cunningham,	Jones,	Syester,
Devries,	Keating,	Vansant,
Dobbin,	Kennedy,	Wallace,
Emack,	Kilbourn,	Walsh,
Evans,	Lee,	Wickes—63.
Farnandis,		

So the motion submitted by Mr. Peters,

Was not concurred in.

Pending the reading of the 33d Article,

On motion of Mr. Walsh,

The Report was opened for amendment.

Mr. Carter submitted the following amendment :

Article 33. Strike out all after the word "except," in line 4, to the word "Address," in line 7, inclusive, and insert the words, "in the manner and for the causes provided in this Constitution ;"

Which was adopted.

Pending the reading of Article 38,

Mr. McKaig moved that the Report be opened for amendment in order to enable him to move,

Strike out the words "Public Teacher," in line 4 ;

Decided in the negative.

Mr. Motter moved that the Report be opened for amendment to enable him to submit an amendment ;

Decided in the negative.

On motion of Mr. Vansant,

The Report, as amended, was then read the 3d time and passed,

By yeas and nays as follows :

AFFIRMATIVE.

Messrs.		
Carmichael, Pr't.	Ford,	Manro,
Alvey,	Galt,	Massey,
Archer,	Garey,	Maulsby,
Barry,	George,	McCormick,
Bateman,	Giddings,	McKaig,
Bell,	Gill,	McMaster,
Bennett,	Goldsborough, D.	Merrick,
Bradley,	Hall,	Morris,
Brooke,	Hardcastle,	Motter,
Brown,	Hayden,	Murray,
Buchanan,	Henderson,	Pleasants,
Carter,	Hollyday,	Pole,
Chambers,	Horse, of Fred.	Ritchie,
Cover,	Horse, of Som't.	Silver,
Cunningham,	Howard,	Starr,
Denson,	Howison,	Syester,
Devries,	Johnson,	Thomas,
Dobbin,	Jones,	Vansant,
Emack,	Keating,	Wallace,
Evans,	Kennedy,	Walsh,
	Kilbourn,	Watkins, of M.

Farnandis,	Lee,	Wethered,
Ferry,	Longwell,	Wickes,
Finley,	Mackubin,	Whitman—72.
Flaherty,		

NEGATIVE.

Messrs.	Duvall,	Nelson,
Austin,	Hammond,	Peters,
Brewer, B. city,	Hubbard,	Riggs,
Brewer, of Mont.	Jamison,	Stoddert,
Cosgrove,	McPherson,	Tarr, of Car.
Dorsey,	Mitchell,	Wilkinson—17.

The hour having arrived for taking up the unfinished business of yesterday,

Being the Report of the Committee Respecting the Appointment of Tenure of Office, Duties and Compensation of all Civil Officers not embraced in the Duties of other Standing Committees,

On motion of Mr. Jones,

The further consideration of the Report was informally postponed, and

The Convention proceeded to the consideration of the Report of the Committee upon the Judiciary Department ;

Pending which,

Mr. Carter moved that the further consideration of the Report be informally postponed ;

Decided in the negative.

The Convention then resumed the consideration of the Report of the Committee upon the Judiciary Department ;

Pending which,

Mr. McCormick moved to reconsider the amendment adopted yesterday by which the word "Caroline" was stricken out from Section 19, line 3, and inserted in line 4 after the word "of," before the word "Talbot,"

Which failed for want of a second, under the Rules.

The Convention then proceeded to the consideration of the following amendment submitted by Mr. Alvey, which had been adopted as Section 21, in Committee of the Whole, on Monday, 22d instant :

Sec. —. Where any term is held, or trial conducted by one of said Judges alone, upon decision or determination of any point or question by him, it shall be competent to the

party or parties against whom the ruling or decision is made, upon notice, to have the point or question reserved for the consideration of the three Judges of the Circuit, who shall constitute a Court in *banc* for such purpose ; or said party or parties may elect to have said decision or determination reviewed on appeal to the Court of Appeals, in cases where by law an appeal will lie ; but in all cases of points or questions reserved, the motion therefor shall be entered of record during the sitting, at which such ruling or decision may be made, and such motion shall be a waiver of the right of appeal to the Court of Appeals from such decision or judgment ; and in order that the points or questions reserved may be fairly presented to the Judges in *banc*, the said Circuit Judge, trying the cause, shall make full and fair notes of such of the proceedings before him, other than the pleadings, as will fully present such points or questions ; and the decision of the said Judges in *banc*, shall be the effective determination of the point or question reserved, and judgment or other proceedings shall be had thereupon. The right of having questions reserved shall not, however, apply to trials of appeals from Justices of the Peace ;

Pending which,

Mr. Alvey submitted the following amendment as a substitute :

Sec. 22. Where any term is held, or trial conducted by less than the whole number of said Circuit Judges, upon decision or determination of any point or question by the Court, it shall be competent to the party against whom the ruling or decision is made, upon notice, to have the point or question reserved for the consideration of the three Judges of the Circuit, who shall constitute a Court in *banc* for such purpose ; and the motion for such reservation shall be entered of record during the sitting at which such decision may be made ; and the several Circuit Courts shall regulate by rules the mode and manner of presenting such points or questions to the Court in *banc* ; and the decision of the said Court in *banc* shall be the effective decision in the premises, and conclusive as against the party at whose motion said points or questions were reserved, but such decision in *banc* shall not preclude the right of appeal or writ of error to the adverse party in those cases, civil or criminal, in which appeal or writ of error to the Court of Appeals may be allowed by law. The right of having questions reserved shall not, however, apply to trials of appeals from judgments of Justices of the Peace ;

Mr. Hayden submitted the following amendment :

Add at end of Section submitted by Mr. Alvey :

“ Nor to Criminal cases below the grade of felony, except where the punishment is confinement in the Penitentiary ; and this Section shall be subject to such provisions as may hereafter be made by law.”

On motion of Mr. Devries,

A call of the House was ordered.

Upon the call of the roll the following members responded to their names :

Messrs. Carmichael, (P't.) Alvey, Archer Austin, Bateman, Bell, Bennett, Brewer, of Baltimore City, Brewer, of Montgomery, Brooke, Brown, Buchanan, Carter, Chambers, Cosgrove, Cover, Cunningham, Devries, Dobbin, Dorsey, Duvall, Emack, Evans, Farnandis, Finley, Flaherty, Galt, Garey, Gill, Goldsborough, of Dorchester, Hall, Hammond, Hardcastle, Hayden, Henderson, Hoblitzell, Hollyday, Horsey, of Frederick, Horsey, of Somerset, Howard, Howison, Hubbard, Jamison, Johnson, Jones, Keating, Lee, Longwell, Mackubin, Manro, Massey, Maulsby, McCormick, McKaig, McMaster, Merrick, Mitchell, Morris, Murray, Nelson, Charles S. Parran, Peters, Pleasants, Pole, Rider, Riggs, Ritchie, Spates, Starr, Stoddert, Syester, Tarr, of Caroline, Tarr, of Worcester, Thomas, Vansant, Walsh, Watkins, of Montgomery, Wethered, Wickes—79.

On motion of Mr. Wethered,

All further proceedings under the call were dispensed with.

The question then recurring upon the amendment submitted by Mr. Hayden,

It was adopted.

The question then recurring upon the amendment submitted by Mr. Alvey, as amended,

It was adopted.

Section 23 was then read.

Pending the consideration of Section 24,

Mr. Mitchell submitted the following amendment :

Strike out the whole Section and insert the following as

Section 24. The salary of each Chief Judge shall be three thousand dollars ; and of each Associate Judge of the Circuit Court shall be two thousand five hundred dollars per annum, payable quarterly, and shall not be increased or diminished during his continuance in office.

Mr. Merrick submitted the following amendment :

Section 24. Strike out the word "five," in line 1, and insert the word "four;" strike out the words "and five hundred," in line 3.

Mr. Wilkinson moved that the Convention do now adjourn.

Decided in the negative.

On motion of Mr. Jones,

At 3 o'clock, P. M., the Convention took a recess until 8 o'clock this P. M.

EVENING SESSION, JULY 31, 1867.

The Convention met at 8 o'clock P. M.

Present at the call of the roll the following members :

Messrs. Brooke (Pr't *pro tem.*) Alvey, Archer, Austin, Bateman, Bell, Bennett, Bradley, Brewer, of Balto. city, Brewer, of Mont'y, Brown, Buchanan, Carter, Chambers, Cosgrove, Cover, Cunningham, Denson, Devries, Dobbin, Dorsey, Duvall, Emack, Evans, Farnandis, Finley, Ford, Galt, Giddings, Gill, Goldsborough, of Dorchester, Groome, Hall, Hammond, Hardecastle, Hayden, Hoblitzell, Hollyday, Horsey, of Frederick, Howard, Howison, Hubbard, Ireland, Jamison, Johnson, Jones, Keating, Kennedy, Lee, Longwell, Mackubin, Manro, Massey, Maulsby, McCormick, McKaig, McMaster, McPherson, Merrick, Mitchell, Morris, Motter, Murray, Nelson, Page, Charles S. Parran, Perry, Peters, Pleasants, Pole, Rider, Riggs, Ringgold, Ritchie, Roman, Silver, Spates, Starr, Stoddert, Syester, Tarr, of Worcester, Thomas, Wallace, Walsh, Wethered, Wickes—85.

The Convention resumed the consideration of the unfinished business of the morning's session,

Being the Report of the Committee upon the Judiciary Department.

The question recurring upon Section 24 of said Report ;

Pending which,

Mr. McCormick demanded a division of the question ;

Pending the consideration of which,

On motion of Mr. Bateman,

At nine o'clock and fifty-five minutes P. M., the Convention adjourned.

THURSDAY, August 1st, 1867.

The Convention met.

Prayer by Rev. Mr. Burke.

Present at the call of the roll the following members :

Messrs. Brooke, (President *pro tem.*,) Alvey, Archer, Austin, Barnes, Barry, Bateman, Bell, Bennett, Bradley, Brent, Brewer, of Baltimore city, Brewer, of Montgomery, Brown, Buchanan, Carter, Chambers, Cosgrove, Cover, Cunningham, Denson, Devries, Dobbin, Dorsey, Duvall, Emack, Evans, Farnandis, Ferry, Finley, Flaherty, Ford, Galt, Garey, Giddings, Gill, Goldsborough, of Dorchester, Groome, Hall, Hammond, Hardcastle, Hayden, Henderson, Hoblitzell, Hodson, Hollyday, Horsey, of Frederick, Howard, Howison, Hubbard, Ireland, Jamison, Johnson, Jones, Keating, Kennedy, Lee, Longwell, Mackubin, Manro, Massey, Maulsby, McCormick, McKaig, McMaster, McPherson, Merrick, Merryman, Mitchell, Morris, Motter, Murray, Nelson, Nicolai, Page, Charles S. Parran, John Parran, Perry, Peters, Pleasants, Pole, Rider, Riggs, Ringgold, Ritchie, Rogers, Roman, Silver, Spates, Starr, Stoddert, Syester, Tarr, of Caroline, Tarr, of Worcester, Thomas, Toadvine, Vansant, Wallace, Walsh, Watkins, of Caroline, Watkins, of Montgomery, Wethered, Wickes, Wilkinson—103.

The proceedings of yesterday were read and approved.

Mr. Merrick submitted the following order :

Ordered, That a committee of seven be appointed by the President with instructions to inquire whether it be practicable to divide the State into seven Judicial Circuits ; and if practicable, to prepare a plan of division for the consideration of this Convention, and that said committee shall report by 2 o'clock to-day.

Pending the consideration of which,

The hour having arrived for taking up the order of the day,

The Convention proceeded to the consideration of the Reports ordered to be engrossed for a third reading ;

Pending which,

On motion of Mr. Merrick,

The further consideration thereof was postponed for ten minutes.

The question then recurring upon the order submitted by Mr. Merrick,

It was adopted.

Messrs. Merrick, Archer, Wickes, Jones, Maulsby, McKaig and Brooke were constituted a Committee under the above order.

On motion of Mr. Barry,

The Committee were empowered to sit during the session.

Mr. Carter submitted the following order :

Ordered, That the Committee on Printing be instructed to inquire as to the best method of printing the Constitution for distribution among the people of this State, and report to this Convention as soon as practicable, with the cost of the same ;

Which was adopted.

The Convention then proceeded to the consideration of the order of the day,

Being the Report of the Committee upon the Executive Department, said Report being upon a third reading ;

Pending which,

On motion of Mr. Lee, Chairman of the Committee on Revision and Compilation,

The Report was opened for amendment by the Committee, when

Mr. Lee submitted the following

REPORT :

The Committee on Revision and Compilation, to which was referred the Engrossed Report upon the Executive Department, has carefully revised the same, and recommends the following amendments. The lines referred to are those in the engrossed copy printed under the order of the Convention of the 20th June, 1867.

1st. Sec. 6, line 2. After the word "State," insert the words "or other disqualification."

2d. Sec. 13, line 6. After the word "appointment," strike out the words "except the Inspectors of Tobacco, which shall commence on the first Monday of March." At the end of Sec. 13, add the words, "but the term of office of the Inspectors of Tobacco shall commence on the first Monday of March next ensuing their appointment."

3d. Sec. 14, line 3. After the word "nominate," insert the words "to the Senate before its final adjournment." Same line, strike out the words "to the Senate" after the word "person;" and 4th line, after the word "vacancy" strike out the words "before the final adjournment of the Senate."

4th. Sec. 17, line 7. Strike out the word "who," and insert the words "which House." Line 8, strike out the word "their" and insert the word "its." Same line, strike out the word "it" and insert the words "the Bill." Line 10, strike out the words "agree to." And line 12, strike out the word "approved" and insert the word "passed."

Sec. 18, line 2. After the word "oftener" insert the words "(if he deem it expedient.)"

5th. Sec. 23, line 1. At the beginning of the paragraph, strike out the word "He" and insert the words "The Secretary of State." Line 3, after the word "and" insert the word "he." Line 5, after the word "all" strike out the words "the other."

Respectfully submitted,

J. F. LEE,

Chairman.

Which was read,

And adopted.

The Reading of the Report, as amended, was then proceeded with.

Pending the reading of the 17th Section,

Mr. Mitchell moved,

That the Report be opened for amendment to enable him to move to strike out the whole Section.

The question recurring upon concurring in the motion,

Mr. Mitchell demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

Messrs.
Austin,
Bradley,
Brent,

Groome,
Hammond,
Hardcastle,
Hubbard,

Riggs,
Ritchie,
Roman,
Silver,

Brewer, of Mont.	Jamison,	Spates,
Cover,	Mitchell,	Syester,
Duvall,	Nelson,	Watkins, of Mon.
Farnandis,	Peters,	Wilkinson—24.
Giddings,		

NEGATIVE.

Messrs.	Garey,	Morris,
Carmichael (P't.)	Gill,	Motter,
Alvey,	Goldsborough, D.	Murray,
Barnes,	Hall,	Nicolai,
Barry,	Hayden,	Page,
Bell,	Henderson,	Parran, Chas. S.
Bennett,	Hodson,	Parran, John
Brown,	Hollyday,	Pleasants,
Carter,	Horse, of Fred'k	Pole,
Chambers,	Howard,	Rider,
Cosgrove,	Howison,	Ringgold,
Cunningham,	Keating,	Rogers,
Denson,	Kennedy,	Starr,
Devries,	Lee,	Stoddert,
Dobbin,	Longwell,	Tarr, of Car.
Dorsey,	Mackubin,	Thomas,
Emack,	Manro,	Vansant,
Evans,	Massey,	Walsh,
Ferry,	McCormick,	Watkins, Car.
Finley,	McMaster,	Wethered—61.
Galt,	Merryman,	

So the motion submitted by Mr. Mitchell

Did not prevail.

The Report was then read the third time and passed,

By yeas and nays as follows :

AFFIRMATIVE.

Messrs.	Finley,	McMaster,
Carmichael, Pr't.	Flaherty,	McPherson,
Alvey,	Galt,	Merryman,
Austin,	Garey,	Morris,
Barnes,	Giddings,	Motter,
Barry,	Gill,	Murray,
Bateman,	Goldsborough, D.	Nicolai,
Bell,	Hall,	Parran, Chas. S.
Bennett,	Hammond,	Parran, John,
Bradley,	Hardcastle,	Pleasants,
Brewer, of Balto.	Hayden,	Pole,

Brewer, of Mont.	Henderson,	Rider,
Brown,	Hoblitzell,	Riggs;
Buchanan,	Hodson,	Ringgold,
Carter,	Hollyday,	Ritchie,
Chambers,	Horsey, of Fred.	Rogers,
Cover,	Howard,	Silver,
Cunningham,	Hubbard,	Starr,
Denson,	Jamison,	Stoddert,
Devries,	Keating,	Tarr, of Caroline,
Dobbin,	Kennedy,	Tarr, of Worces'r,
Dorsey,	Lee,	Vansant,
Duvall,	Longwell,	Walsh,
Emack;	Mackubin,	Watkins, of Car.
Evans,	Manro,	Watkins, of M.
Farnandis,	Massey,	Wethered,
Ferry,	McCormick,	Wilkinson—80.

NEGATIVE.

Messrs.	Peters,	Syester,
Brent,	Roman,	Toadvine—7.
Mitchell,	Spates,	

The time having arrived for taking up the special order of the day,

Being the Report of the Committee appointed to consider the formation of a new County, out of parts of Somerset and Worcester Counties,

Mr. McMaster moved to postpone the further consideration of the order of the day until Tuesday next, the 6th instant, at 12 o'clock noon ;

Decided in the negative.

The question then recurred upon the Report of the Committee Appointed to Report upon the Formation of a New County out of parts of Somerset and Worcester Counties, said Report being upon a second reading.

Pending the reading of the 1st Section,

Mr. Hammond submitted the following amendment :

Sec. 1, line 2. Strike out "the Judges of Election shall open a book ;" in line 7, strike out the word "middle" and insert "channel ;" in line 9, between the words "creek" and "Dashiel's" insert "thence with the channel of said creek and Passerdye creek to;" and in lines 15 and 16, strike out all between the words "beginning" and "who" and insert "the Judges of Election in each of said Districts, shall receive the ballots of each elector voting at said election ;"

Which was adopted.

Mr. Jones submitted the following amendment :

Sec. 1. Strike out all of first line, and insert the words :
 “ At the first general election to be held after the adoption ; ”

Which was rejected.

Mr. Hammond submitted the following amendment :

Sec. 1, line 26. Between the word “ County ” and the word “ and ” insert the words “ and Salisbury shall be the county seat ; ”

Which was adopted.

Mr. Jones submitted the following amendment :

Sec. 1. After the word “ limits,” in the 17th line, insert :
 “ and shall also open a book in each of the other election districts in Somerset and Worcester Counties ; ” after the word “ lines,” in line 24, add “ and also a majority of the aggregate votes cast in all the election districts of the said counties of Somerset and Worcester ;

Pending the consideration of which,

On motion of Mr. Horsey, of Frederick,

The rules were suspended, (two-thirds of the members present concurring,) when,

Upon motion of Mr. Horsey,

It was ordered, That one member from each of the counties interested, and upon either side of the subject, be permitted to speak for thirty minutes upon the question before the Convention.

The question then recurring upon the amendment submitted by Mr. Jones,

Mr. Tarr, of Worcester, moved the previous question.

The question then being,

“ Shall the previous question be now put ? ”

It was sustained.

The question then recurring upon the adoption of the amendment,

It was rejected.

The 1st Section, as amended,

Was then read.

Mr. Jones moved that the vote by which the 1st Section had been ordered to a second reading, be re-considered ;

Decided in the negative.

Pending the reading of Section 2,

Mr. Jones submitted the following amendment :

Sec. 2. Strike out all after the word "shares," in line 5, to the word "assessment," inclusive, in 6th line, and insert the words "to be ascertained, and apportioned by the General Assembly ;"

Pending the consideration of which,

Mr. Hardcastle moved the previous question,

The question then being,

"Shall the previous question be now put ;"

It was sustained.

The question then recurring upon the amendment submitted by Mr. Jones,

It was adopted.

Mr. Hammond submitted the following amendment : .

In Section 2, line 9, after the word "created," insert "and on the application of twelve citizens of the proposed County of Wicomico, the Surveyor of Worcester County shall run and locate the line from 'Meadow Bridge to the Pocomoke River,' previous to the adoption or rejection of this Constitution, and at the expense of said petitioners ;"

Which was adopted.

The 2d Section, as amended, was then read.

The 3d and 4th Sections were then read.

On motion of Mr. Page,

At 3 o'clock and 5 minutes P. M., the Convention took a recess until 8 o'clock this P. M.

EVENING SESSION, AUGUST 1, 1867.

The Convention met at 8 o'clock P. M.

Present at the call of the roll the following members :

Messrs. Carmichael, (President,) Alvey, Archer, Austin, Barnes, Barry, Bell, Bennett, Bradley, Brent, Brewer, of Montgomery, Brooke, Brown, Buchanan, Carter, Cover, Cunningham, Devries, Dorsey, Duvall, Evans, Farnandis, Finley, Ford, Galt, Goldsborough, of Dorchester, Groome, Hall, Hammond, Hardcastle, Hayden, Hoblitzell, Hodson, Hollyday, Howison, Hubbard, Jones, Keating, Kennedy, Lee, Longwell, Mackubin, Manro, Massey, Maulsby, McCormick, McKaig, McMaster, McPherson, Merrick, Mitchell, Morris, Motter, Murray, Nelson, Nicolai, Page, Charles S. Parran, John Parran, Perry, Pleasants, Pole, Rider, Riggs, Ringgold, Ritchie, Roman, Silver, Spates, Starr, Stoddert, Syester, Tarr, of Caroline, Tarr, of Worcester, Toadvine, Wallace, Walsh, Watkins, of Montgomery, Wethered, Wickes—79.

The Convention resumed the consideration of the unfinished business of the morning's session,

Being the Report of the Committee appointed to Report upon the formation of a new County out of parts of Somerset and Worcester Counties,

Which, upon a second reading, had been read through.

Mr. Jones submitted the following amendment, being the Report of the Minority of the Committee, as a substitute for the Report of the Majority of the Committee :

Section 1. The General Assembly may provide for the formation of new counties, locating and removing county seats, and changing county lines, but no new county shall be formed without the consent of a majority of the legal voters residing within the limits of any proposed new county ; and whenever a new county is proposed to be formed out of portions of two or more counties, the consent of a majority of the legal voters residing within the limits of such part of each county as is proposed to be included in such new county shall be necessary to include such part ; nor shall any new county contain less than four hundred square miles nor less than ten thousand white inhabitants ; nor shall any county be reduced below that number of square miles and of white inhabitants ; nor shall the lines of any county be changed without the consent of a majority of the

legal voters residing within the limits of the line, or lines, proposed to be changed ; and in any law proposing to form a new county, or to change any county line, provision shall be made for the ascertainment of the sense of the legal voters as aforesaid.

Mr. Rider raised the point of order, that the Majority Report having been read through the second time, the substitute submitted by Mr. Jones was not in order.

The President decided that upon a second reading of a Report, it was competent to substitute one for another. A substitute for each section, as read, was in order, and, after being read through, a substitute for the whole was, according to all Parliamentary ruling, also in order ; the point of order was, therefore, not well taken.

The question then recurred upon the amendment submitted by Mr. Jones, as a substitute for the Majority Report ;

Pending the consideration of which,

Mr. McKaig submitted the following amendment as a substitute :

Strike out the 1st section, and insert : "That the Counties of Somerset and Worcester shall hereafter constitute a new County, to be called Wicomico County, and the inhabitants thereof shall therefore have and enjoy all such rights and privileges as are held and enjoyed by the inhabitants of other counties of this State ;"

Pending the consideration of which,

(Mr. Nelson entitled to the floor,)

On motion of Mr. Tarr, of Worcester,

At 10 o'clock P. M. the Convention adjourned.

FRIDAY, August 2, 1867.

The Convention met.

Prayer by Rev. Mr. Henderson.

Present at the call of the roll the following members:

Messrs. Carmichael, (President,) Alvey, Archer, Austin, Barnes, Barry, Bell, Bennett, Bradley, Brent, Brewer, of Baltimore City, Brewer, of Montgomery, Brooke, Brown, Buchanan, Carter, Cosgrove, Cover, Cunningham, Denson, Devries, Dobbin, Dorsey, Duvall, Emack, Evans, Farnandis, Ferry, Finley, Ford, Garey, George, Giddings, Gill Goldsborough, of Dorchester, Groome, Hall, Hammond, Hardcastle, Hayden, Henderson, Hoblitzell, Hodson, Hollyday, Horsey, of Frederick, Howison, Hubbard, Ireland, Jamison, Jones, Keating, Kennedy, Kilbourn, Lee, Longwell, Mackubin, Massey, Maulsby, McCormick, McKaig, McMaster, McPherson, Merrick, Mitchell, Morris, Motter, Murray, Nelson, Nicolai, Page, Parker, Chas. S. Parran, John Parran, Perry, Peters, Pleasants, Pole, Rider, Riggs, Ringgold, Ritchie, Rogers, Roman, Silver, Spates, Starr, Stoddert, Tarr, of Caroline, Tarr, of Worcester, Thomas, Toadvine, Vansant, Wallace, Walsh, Watkins, of Caroline, Watkins, of Montgomery, Wickes, Whitman—98.

The proceedings of yesterday were read and approved.

The President laid before the House the following communication from Mr. Meginniss, Committee Clerk to the Convention:

ANNAPOLIS, *July* 31, 1867.

Hon. R. B. CARMICHAEL,

President Constitutional Convention:

Dear Sir:—Having accepted the position of Committee Clerk to this body, in good faith, I have been absent for some days endeavoring to so arrange my affairs as to be able to attend strictly and punctually upon the remaining sittings of the Convention; the Convention having lasted much longer than was at first anticipated; and my private business being of such a nature, that I find it absolutely necessary for me to be at home. I would, under these circumstances, most respectfully resign my office of Committee Clerk to the Convention. Receiving which, you will greatly oblige,

Your obedient servant,

N. T. MEGINNISS.

Which was read, and

On motion of Mr. Jones,

The resignation of Mr. Meginniss was accepted.

Mr. Lee gave notice that if the Committee on Revision and Compilation would at any later day of the session require the services of an additional Clerk to fill the place made vacant by the resignation of Mr. Meginniss,—he would move the appointment of such Clerk.

Mr. Hammond submitted the following order :

Ordered, That it be entered on the Journal, that Mr. Bateman is detained from his seat by sickness ;

Which was adopted.

Mr. Merrick, Chairman Select Committee, submitted the following report :

The Committee to whom was referred the inquiry “Whether it be practicable to divide the State into seven judicial circuits, and if practicable to report a plan of division,” have had the same under consideration, and beg leave to report that such a division cannot be made without at least one circuit being disproportionately large, and without imposing upon it an amount of judicial business which the Judges could not dispatch with efficiency. Being of opinion that no saving of expense by the proposed reduction could authorize such a division as might operate a denial of justice to some portion of the State, and that no better division can be made than the one recommended by the Judiciary Committee. We ask to be discharged from the further consideration of the subject.

WM. M. MERRICK,

Chairman.

Which was read and accepted, and,

On motion of Mr. Mitchell, the Committee were discharged.

The Convention then resumed the consideration of the unfinished business of yesterday, being the Report of the Committee appointed to Report upon the Formation of a New County out of portions of Somerset and Worcester Counties.

Pending the consideration of which,

On motion of Mr. Merrick,

The further consideration of the Report was postponed, and

The Convention proceeded to the consideration of the Report of the Committee upon the Judiciary Department.

The question recurring upon the 24th Section of the Report,

The question being upon the adoption of the motion submitted by Mr. McCormick for a division of the question,

It was concurred in.

The question then recurring upon the first division of the Section, viz:

“The salary of each Chief Judge shall be five thousand dollars,”

Mr. Merrick moved the previous question.

The question then being :

“Shall the previous question be now put?”

It was sustained.

The question then recurring upon concurring in the Report of the Committee as contained in the first division of the Section,

Mr. Nicolai demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Finley,	McKaig,
Barnes,	Garéy,	Peters,
Barry,	George,	Pleasants,
Brent,	Gill,	Ritchie,
Carter,	Howison,	Walsh,
Denson,	Kennedy,	Whitman—18.
Dobbin,		

NEGATIVE.

Messrs.	Hammond,	Murray,
Carmichael, Pr't.	Hardcastle,	Nelson,
Alvey,	Hayden,	Nicolai,
Archer,	Henderson,	Page,
Austin,	Hoblitzell,	Parker,
Bell,	Hodson,	Parran, C. S.
Bennett,	Hollyday,	Parran, John,
Bradley,	Horsey, of Fred.	Pole,
Brewer, Mont.	Hubbard,	Rider,
Brooke,	Jamison,	Riggs,
Brown,	Jones,	Ringgold,
Buchanan,	Keating,	Rogers,

Cosgrove,	Kilbourn,	Silver,
Cover,	Lee,	Spates,
Cunningham,	Longwell,	Starr,
Devries,	Mackubin,	Stoddert,
Dorsey,	Massey,	Tarr, of Car.
Duvall,	Maulsby,	Tarr, of Wor.
Emack,	McCormick,	Thomas,
Evans,	McMaster,	Toadvine,
Farnandis,	McPherson,	Vansant,
Ferry,	Merrick,	Wallace,
Ford,	Mitchell,	Watkins, of Car.
Giddings,	Morris,	Watkins, of M.
Goldsborough, D.	Motter,	Wickes—75.
Hall,		

So the question was decided in the negative, and the Convention refused to adopt the Report of the Committee to make the salary of the Chief Judge five thousand dollars per annum.

The question then recurring upon filling the blank, and upon the adoption of the amendment as submitted by Mr. Merrick, to insert the words "four thousand,"

Mr. Mitchell demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Garey,	McKaig,
Alvey,	George,	McPherson,
Archer,	Giddings,	Merrick,
Barnes,	Gill,	Motter,
Barry,	Henderson,	Nelson,
Brent,	Hoblitzell,	Page,
Brooke,	Horse, of Fred.	Pleasants,
Brown,	Howison,	Ritchie,
Buchanan,	Jamison,	Rogers,
Carter,	Jones,	Roman,
Denson,	Keating,	Spates,
Devries,	Kennedy,	Vansant,
Dobbin,	Kilbourn,	Walsh,
Ferry,	Lee,	Wickes,
Finley,	Mackubin,	Whitman—47.
Ford,	Maulsby,	

NEGATIVE.

Messrs.	Hall,	Parran, Chas. S.
Carmichael, Pre't	Hammond,	Parran, John
Austin,	Hardcastle,	Perry,

Bell,	Hayden,	Pole,
Bennett,	Hodson,	Rider,
Bradley,	Hollyday,	Riggs,
Brewer, of Mont.	Hubbard,	Ringgold,
Cosgrove,	Longwell,	Silver,
Cover,	Massey,	Starr,
Cunningham,	McCormick,	Stoddert,
Dorsey,	McMaster,	Tarr, of Wor.
Duvall,	Mitchell,	Thomas,
Emack,	Morris,	Toadvine,
Evans,	Murray,	Wallace,
Farnandis,	Nicolai,	Watkins, of C.
Goldsborough, D.	Parker,	Watkins, M—47.
Groome,		

So the amendment submitted by Mr. Merrick,
Was rejected.

The question then recurring upon the amendment submitted by Mr. Mitchell, as a substitute:

“The salary of each Chief Judge shall be three thousand dollars,”

The question being upon its adoption,

Mr. Mitchell demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Hall,	Parran, John,
Carmichael, Pr't.	Hammond,	Pole,
Austin,	Hardcastle,	Rider,
Bell,	Hoblitzell,	Riggs,
Bennett,	Hodson,	Ringgold,
Bradley,	Hollyday,	Roman,
Brewer, of Mont.	Hubbard,	Silver,
Cosgrove,	Longwell,	Spates,
Cover,	Massey,	Starr,
Cunningham,	McCormick,	Stoddert,
Dorsey,	McMaster,	Tarr, of Wor.
Duvall,	Mitchell,	Toadvine,
Emack,	Morris,	Wallace,
Evans,	Murray,	Watkins, Car.
Farnandis,	Nicolai,	Watkins, Mont.
Goldsborough, D.	Parker,	
Groome,	Parran, Chas. S.	

NEGATIVE.

Messrs.	George,	McPherson,
Alvey,	Giddings,	Merrick,
Archer,	Gill,	Motter,
Barnes,	Hayden,	Nelson,
Barry,	Henderson,	Page,
Brent,	Horsey, of Fred.	Perry,
Brooke,	Howison,	Peters,
Brown,	Jamison,	Pleasants,
Buchanan,	Jones,	Ritchie,
Carter,	Keating,	Rogers,
Denson,	Kennedy,	Tarr, of Car.
Devries,	Kilbourn,	Thomas,
Dobbin,	Lee,	Vansant,
Ferry,	Mackubin,	Walsh,
Finley,	Maulsby,	Wickes,
Ford,	McKaig,	Whitman—48.
Garey,		

So the amendment submitted by Mr. Mitchell,
Was rejected.

The question then recurring upon concurring in the last
division of the Section,

“And of each Associate Judge of the Circuit Court shall
be three thousand five hundred dollars per annum, payable
quarterly, and shall not be diminished during his continu-
ance in office,”

The Convention refused to make the salary of each Asso-
ciate Judge three thousand five hundred dollars per annum.

The question then recurring upon filling the blank, and
the adoption of the amendment submitted by Mr. Merrick,
to fill the blank with the words “three thousand,”

On motion of Mr. Mitchell,

The yeas and nays were ordered.

The yeas and nays were called and appeared as follows:

AFFIRMATIVE.

Messrs.	Giddings,	McPherson,
Alvey,	Gill,	Merrick,
Archer,	Hayden,	Motter,
Barnes,	Henderson,	Nelson,
Barry,	Hoblitzell,	Peters,
Brent,	Horsey, of Fred.	Pleasants,
Brown,	Howison,	Ritchie,
Carter,	Jamison,	Rogers,
Denson,	Keating,	Roman,

Dobbin,	Kennedy,	Spates,
Dorsey,	Kilbourn,	Thomas,
Ferry,	Lee,	Vansant,
Finley,	Mackubin,	Walsh,
Ford,	Maulsby,	Wickes,
Garey,	McKaig,	Whitman—45.
George,		

NEGATIVE.

Messrs.	Groome,	Page,
Carmichael, Pre't	Hall,	Parker,
Austin,	Hammond,	Parran, Chas. S.
Bell,	Hardcastle,	Parran, John,
Bennett,	Hodson,	Perry,
Bradley,	Hollyday,	Pole,
Brewer, of Mont.	Hubbard,	Rider,
Brooke,	Jones,	Riggs,
Buchanan,	Longwell,	Ringgold,
Cosgrove,	Massey,	Silver,
Cover,	McCormick,	Stoddert,
Cunningham,	McMaster,	Tarr, of Caroline,
Devries,	Mitchell,	Tarr, of Wor.
Duvall,	Morris,	Toadvine,
Emack,	Murray,	Wallace,
Evans,	Nicolai,	Watkins, of Car.
Farnandis,	Starr,	Watkins, M—51.
Goldsborough, D.		

So the amendment submitted by Mr. Merrick was rejected.

The question then recurring upon the adoption of the amendment submitted by Mr. Mitchell as a substitute, viz :

“And of each Associate Judge of the Circuit Court shall be two thousand five hundred dollars, payable quarterly and shall not be increased or diminished during his continuance in office.”

The question being upon its adoption,

Mr. Mitchell demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Hardcastle,	Parran, Chas. S.
Austin,	Hayden,	Parran, John
Bell,	Hoblitzell,	Perry,
Bennett,	Hodson,	Pole,
Brewer, of Mont.	Hubbard,	Rider,
Brooke,	Jones,	Riggs,

Buchanan,	Lee,	Ringgold,
Cover,	Longwell,	Silver,
Cunningham,	Massey,	Starr,
Devries,	McCormick,	Stoddert,
Duvall,	McMaster,	Tarr, of Car.
Emack,	Mitchell,	Toadvine,
Evans,	Murray,	Wallace,
Farnandis,	Nicolai,	Watkins, of Car.
Finley,	Page,	Watkins, of Mont.
Goldsborough, D.	Parker,	—47.
Hall,		

NEGATIVE.

Messrs.	Garey,	Merrick,
Carmichael, Pr't.	George,	Morris,
Alvey,	Giddings,	Motter,
Archer,	Gill,	Nelson,
Barnes,	Groome,	Peters,
Barry,	Hammond,	Pleasants,
Bradley,	Henderson,	Ritchie,
Brent,	Hollyday,	Rogers,
Brewer, of B. city	Horsey, of Fred.	Roman,
Brown,	Howison,	Spates,
Carter,	Keating,	Tarr, of Wor.
Cosgrove,	Kennedy,	Thomas,
Denson,	Kilbourn,	Vansant,
Dobbin,	Mackubin,	Walsh,
Dorsey,	Maulsby,	Wickes,
Ferry,	McKaig,	Whitman—49.
Ford,	McPherson,	

So the amendment submitted by Mr. Mitchell was re-jected.

The question then recurring upon filling the blank in the first division of the Section,

Mr. Merrick submitted the following amendment :

“Fill the blank with the words three thousand seven hundred and fifty ;”

The question recurring upon its adoption,

Mr. Mitchell demanded the yeas and nays.

The demand being sustained.

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	George,	McPherson,
Alvey,	Giddings,	Merrick,

Archer,	Gill,	Motter,
Barnes,	Groome,	Nelson,
Barry,	Henderson,	Nicolai,
Brent,	Hoblitzell,	Page,
Brewer, B. city,	Horsey, of Fr'k,	Peters,
Brooke,	Howison,	Pleasants,
Brown,	Jamison,	Ritchie,
Carter,	Jones,	Rogers,
Denson,	Keating,	Roman,
Devries,	Kennedy,	Spates,
Dobbin,	Kilbourn,	Tarr, of Caroline,
Ferry,	Lee,	Vansant,
Finley,	Mackubin,	Walsh,
Ford,	Maulsby,	Wickes,
Garey,	McKaig,	Whitman—50.

NEGATIVE.

Messrs.	Hall,	Parran, John,
Carmichael, P't.	Hammond,	Perry,
Austin,	Hardcastle,	Pole,
Bell,	Hayden,	Rider,
Bennett,	Hodson,	Riggs,
Bradley,	Hollyday,	Ringgold,
Brewer, Montg'y,	Hubbard,	Silver,
Cosgrove,	Longwell,	Starr,
Cover,	Massey,	Stoddert,
Cunningham,	McCormick,	Tarr, of Wor.
Dorsey,	McMaster,	Thomas,
Duvall,	Mitchell,	Toadvine,
Emack,	Morris,	Wallace,
Evans,	Murray,	Watkins, of Car.
Farnandis,	Parker,	Watkins, M—46.
Goldsborough, D.	Parran, Chas. S.	

So the amendment submitted by Mr. Merrick was adopted.

And the blank was filled with the words "three thousand seven hundred and fifty."

The question then recurring upon the last division of the Section,

Mr. Bradley moved to reconsider the vote by which the amendment submitted by Mr. Mitchell was rejected.

Pending the consideration of which,

Mr. Bradley demanded the previous question,

The question then being,

"Shall the previous question be now put?"

It was sustained.

The question then recurred upon the motion submitted by Mr. Bradley, and the vote by which the amendment submitted by Mr. Mitchell was rejected, was reconsidered.

Mr. Carter submitted the following amendment:

Fill the blank with the words, "two thousand seven hundred and fifty;"

Pending the consideration of which,

Mr. Carter moved the previous question.

The question then being,

"Shall the previous question be now put?"

It was sustained.

The question then recurring upon the adoption of the amendment submitted by Mr. Carter,

Mr. Carter demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called and appeared as follows:

AFFIRMATIVE.

Messrs.	George,	McPherson,
Alvey,	Giddings,	Merrick,
Barnes,	Gill,	Motter,
Barry,	Hayden,	Nelson,
Brent,	Henderson,	Peters,
Brewer, B. city,	Horse, of Fred.	Pleasants,
Brooke,	Howison,	Rider,
Brown,	Jamison,	Ritchie,
Buchanan,	Jones,	Rogers,
Carter,	Keating,	Roman,
Denson,	Kennedy,	Spates,
Dobbin,	Kilbourn,	Vansant,
Dorsey,	Lee,	Walsh,
Ferry,	Longwell,	Wethered,
Finley,	Mackubin,	Whitman,
Ford,	Maulsby,	Wickes—49.
Garey,	McKaig,	

NEGATIVE.

Messrs.	Goldsborough, D.	Parran, Chas. S.
Carmichael, Pr't.	Groome,	Parran, John,
Archer,	Hall,	Perry,
Austin,	Hammond,	Pole,
Bell,	Hardcastle,	Riggs,
Bennett,	Hodson,	Ringgold,

Bradley,	Hollyday,	Silver,
Brewer, of Mont.	Hubbard,	Starr,
Cosgrove,	Massey,	Stoddert,
Cover,	McCormick,	Tarr, of Car.
Cunningham,	McMaster,	Tarr, of Wor.
Devries,	Mitchell,	Toadvine,
Duvall,	Morris,	Wallace,
Emack,	Murray,	Watkins, of Car.
Evans,	Nicolai,	Watkins, of Mont.
Farnandis,	Parker,	—46.

So the amendment was adopted, and the blank was filled with the words, "two thousand seven hundred and fifty."

Mr. Nicolai moved to reconsider the vote by which the amendment submitted by Mr. Merrick, to fill the blank in the first division of the Section with the words, "three thousand seven hundred and fifty," was adopted.

Mr. Carter moved the previous question.

The question then being,

"Shall the previous question be now put?"

It was sustained.

The question then recurring upon the motion submitted by Mr. Nicolai,

Mr. Carter demanded the yeas and nays ;

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Hammond,	Parran, John,
Austin,	Hardcastle,	Perry,
Bell,	Hodson,	Pole,
Bennett,	Hollyday,	Riggs,
Bradley,	Hubbard,	Ringgold,
Brewer, of Mont.	Longwell,	Silver,
Cosgrove,	Massey,	Starr,
Cover,	McCormick,	Stoddert,
Cunningham,	McMaster,	Tarr, of Caroline,
Dorsey,	Mitchell,	Tarr, of Worc'r.
Duvall,	Morris,	Toadvine,
Emack,	Murray,	Wallace,
Evans,	Nicolai,	Watkins, of Car
Farnandis,	Parker,	Watkins, of M.
Goldsborough, D.	Parran, Chas. S.	—44
Groome,		

NEGATIVE.

Messrs.	Garey,	McPherson,
Carmichael, P't.	George,	Merrick,
Alvey,	Giddings,	Motter,
Archer,	Gill,	Nelson,
Barnes,	Henderson,	Page,
Barry,	Hoblitzell,	Peters,
Brent,	Horsey, of Fr'k.	Pleasants,
Brewer, of B. City	Howison,	Rider,
Brooke,	Jamison,	Ritchie,
Brown,	Jones,	Rogers,
Buchanan,	Keating,	Roman,
Carter,	Kennedy,	Spates,
Denson,	Kilbourn,	Vansant,
Devries,	Lee,	Walsh,
Dobbin,	Mackubin,	Wethered,
Ferry,	Maulsby,	Whitman,
Finley,	McKaig,	Wickes—51.
Ford,		

So the motion to reconsider did not prevail.

Mr. Nicolai moved to strike out the whole section ;

Pending the consideration of which,

Mr. Carter moved the previous question,

The question then being,

“ Shall the previous question be now put ? ”

It was sustained.

The question then recurring upon the motion submitted by Mr. Nicolai,

It was not sustained.

Section 24, as amended,

Was then read.

On motion of Mr. Rider,

The Convention then resumed the consideration of the unfinished business of yesterday,

Being the Report of the Committee appointed to report upon the formation of a new County out of parts of Somerset and Worcester counties ;

The question recurring upon the amendment submitted by Mr. McKaig,

When, (by an unanimous consent,) Mr. McKaig withdrew his substitute.

The question then recurring upon the amendment submitted by Mr. Jones as a substitute for the whole Report :

Mr. Nelson demanded the previous question,

The question then being,

“Shall the previous question be now put?”

It was sustained.

The question then recurring upon the adoption of the amendment,

Mr. Jones demanded the yeas and nays ;

The demand being sustained,

On motion of Mr. Hollyday,

A call of the House was ordered.

Upon the call of the roll the following members responded to their names :

Messrs. Carmichael, (President,) Alvey, Archer, Austin, Barnes, Barry, Bell, Bennett, Bradley, Brent, Brewer, of Baltimore City, Brewer, of Montgomery, Brown, Carter, Cosgrove, Cover, Cunningham, Denson, Devries, Dobbin, Dorsey, Duvall, Emack, Evans, Farnandis, Ferry, Finley, Ford, Garey, George, Giddings, Gill, Goldsborough, of Dorchester, Groome, Hall, Hammond, Hardcastle, Hayden, Henderson, Hoblitzell, Hodson, Hollyday, Horsey, of Frederick, Howison, Hubbard, Jamison, Jones, Keating, Kennedy, Kilbourn, Lee, Longwell, Mackubin, Massey, Maulsby, McCormick, McKaig, McMaster, McPherson, Merrick, Mitchell, Morris, Motter, Murray, Nelson, Nicolai, Page, Parker, Charles S. Parran, John Parran, Perry, Peters, Pleasants, Pole, Rider, Riggs, Ringgold, Ritchie, Rogers, Roman, Silver, Spates, Stoddert, Tarr, of Caroline, Tarr, of Worcester, Toadvine, Vansant, Wallace, Walsh, Watkins, of Caroline, Watkins, of Montgomery, Whitman, Wickes—93.

On motion of Mr. Rider,

All further proceedings under the call were dispensed with.

The yeas and nays were then called and appeared as follows :

AFFIRMATIVE.

Messrs.	George,	McKaig,
Carmichael, (Pr't)	Gill,	McMaster,
Alvey,	Hayden,	Merrick,
Archer,	Hollyday,	Murray,
Bell,	Horsey, of Fred.	Page,
Brown,	Jones	Parker,

Carter,	Kennedy,	Perry,
Cunningham,	Lee,	Pleasants,
Devries,	Mackubin,	Pole,
Dobbin,	Maulsby,	Walsh,
Evans,	McCormick,	Wickes—33.
Farnandis,		

NEGATIVE.

Messrs.	Goldsborough, D.	Parran, Chas. S.
Austin,	Groome,	Parran, John
Barnes,	Hall,	Peters,
Barry,	Hammond,	Rider,
Bennett;	Hardcastle,	Riggs,
Bradley,	Henderson,	Ringgold,
Brent,	Hoblitzell,	Ritchie,
Brewer, of B. city.	Hodson,	Rogers,
Brewer, of Mont.	Howison,	Roman,
Brooke,	Hubbard,	Silver,
Cosgrove,	Jamison,	Spates,
Cover,	Keating,	Stoddert,
Denson,	Kilbourn,	Tarr, of Car.
Dorsey,	Longwell,	Tarr, of Wor.
Duvall,	Massey,	Thomas,
Emack,	McPherson,	Toadvine,
Ferry,	Mitchell,	Vansant,
Finley,	Morris,	Wallace,
Ford,	Motter,	Watkins, of Car.
Garey,	Nelson,	Watkins, of Mont.
Giddings,	Nicolai,	Whitman—62.

So the substitute submitted by Mr. Jones was rejected.

Mr. Jones submitted the following amendment as a substitute for the whole Report :

When that part of the counties of Worcester and Somerset lying within the following limits, viz : beginning at the point where Mason and Dixon's line crosses the channel of the Pocomoke river, thence by and with said line to the channel of the Nanticoke river, thence with the middle or channel of said river to the mouth of Wetipquum creek, thence up the said creek to the fork thereof, above where the steam mill formerly stood, thence with the north-east branch thereof to the big bridge over the head of said branch, thence with the county road leading towards Salisbury, till it crosses the head of Green Hill creek, thence down said Green Hill Creek to the channel of Wicomico river, thence down said river to the mouth of Wicomico creek, thence up the said creek to Dixhamon's mills, thence with the mill-pond of said mill and branch following the middle prong of said branch to the Meadow Bridge on the road dividing the counties of Som-

erset and Worcester, near the south-west corner of the farm of William P. Morris, thence due east to the Pocomoke river, thence with the channel of said river to the beginning; shall contain a population of ten thousand white inhabitants, and the majority of the legal voters therein shall desire to separate and form a new county, and make known their desire by petition to the Legislature, the Legislature shall direct at the next succeeding election, or at an election to be specially ordered by the Legislature, that the Judges of Election in the election districts inclosed within the aforesaid limits, shall open a book at the usual place of holding elections in each of said districts, and have recorded therein the vote of each legal voter for or against the new county. In case the majority residing within the parts of Somerset and Worcester counties, respectively, shall concur in favor of the new county, then said parts of Somerset and Worcester counties, within the limits aforesaid, shall be declared an independent county, by the name of Wicomico county, and the inhabitants thereof shall have and enjoy all such rights and privileges as are held and enjoyed by the inhabitants of the other counties in this State. And the General Assembly shall provide for the organization of said new county, and for the equitable apportionment of the debts and obligations of the counties of Somerset and Worcester between the said counties and the new county, for the election of one Senator and two Delegates to the General Assembly for said new county. And after the organization of said new county Somerset county shall be entitled to two Delegates, and Worcester county to two Delegates, until a change of the representation as provided by this Constitution.

Pending the consideration of which,

Mr. Tarr, of Worcester, moved the previous question.

The question then being,

“Shall the previous question be now put?”

It was sustained.

The question then recurring upon the adoption of the substitute,

Mr. Jones demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.
Carmichael, Pr't.
Alvey,

Farnandis,
Gill,
Hayden,

Merrick,
Murray,
Page,

Archer,	Hollyday,	Parker,
Bell,	Jones,	Perry,
Brown,	Kennedy,	Pleasants,
Carter,	Mackubin,	Pole,
Cunningham,	Maulsby,	Ringgold,
Devries,	McCormick,	Walsh,
Evans,	McMaster,	Wickes—29.

NEGATIVE.

Messrs.	Giddings,	Nelson,
Austin,	Goldsborough, D.	Parran, C. S.
Barnes,	Groome,	Parran, John
Bennett,	Hall,	Peters,
Bradley,	Hammond,	Rider,
Brent,	Hardcastle,	Riggs,
Brewer, of Balto.	Henderson,	Ritchie,
Brewer, of Mont.	Hoblitzell,	Rogers,
Brooke,	Hodson,	Silver,
Cosgrove,	Howison,	Spates,
Cover,	Hubbard,	Stoddert,
Denson,	Jamison,	Tarr, of Car.
Dobbin,	Keating,	Tarr, of Wor.
Dorsey,	Kilbourn,	Thomas,
Duvall,	Longwell,	Toadvine,
Emack,	Massey,	Vansant,
Ferry,	McPherson,	Wallace,
Finley,	Mitchell,	Watkins, of Car.
Ford,	Morris,	Watkins, M—58.
Garey,	Motter,	

So the substitute submitted by Mr. Jones,

Was rejected.

Mr. Mackubin proposed to submit a substitute for the whole Report.

The President (Mr. Vansant in the Chair) ruled that it was not in order to submit a substitute for the whole Report, without a reconsideration of the sections which had been passed through a second reading.

Mr. Jones appealed from the decision of the Chair ;

The question then being,

Shall the decision of the Chair stand as the judgment of the Convention ?

Mr. Jones demanded the yeas and nays ;

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Garey,	Parran, John,
Austin,	Hardcastle,	Peters,
Barnes,	Henderson,	Pole,
Bell,	Hodson,	Rider,
Bradley,	Hubbard,	Riggs,
Brewer, Bal. city.	Kilbourn,	Ritchie,
Brewer, of Mont.	Massey,	Roman,
Brooke,	McPherson,	Spates,
Cover,	Merrick,	Stoddert,
Denson,	Mitchell,	Tarr, Caroline,
Dorsey,	Morris,	Tarr, of Wor.
Duval,	Motter,	Thomas,
Emack,	Murray,	Toadvine,
Ferry,	Nelson,	Watkins, C.—43.
Finley,	Parran, Chas. S.	

NEGATIVE.

Messrs.	Goldsborough, D.	McCormick,
Alvey,	Groome,	McMaster,
Archer,	Hall,	Nicolai,
Brown,	Hayden,	Page,
Carter,	Hollyday,	Parker,
Cosgrove,	Horsey, of Fred.	Pleasants,
Cunningham,	Jamison,	Ringgold,
Devries,	Jones,	Rogers,
Dobbin,	Keating,	Silver,
Evans,	Kennedy,	Wallace,
Farnandis,	Lee,	Walsh,
Ford,	Longwell,	Watkins, of Mon.
Gill,	Mackubin,	Wickes—38.

So the decision of the Chair was sustained.

Mr. Rider moved that the Report be ordered to be engrossed for a third reading ;

The question being upon sustaining the motion,

Mr. Horsey, of Frederick, moved the previous question.

The question then being,

“Shall the previous question be now put?”

Mr. Page demanded the yeas and nays ;

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Groome,	Parran, Chas. S.
Austin,	Hall,	Parran, John,
Barnes,	Hammond,	Peters,
Bell,	Hardcastle,	Pleasants,
Bradley,	Henderson,	Pole,
Brent,	Hoblitzell,	Rider,
Brewer, of B. City	Hodson,	Riggs,
Brewer, of Mont.	Horse, of Fred.	Ritchie,
Brooke,	Howison,	Rogers,
Carter,	Hubbard,	Roman,
Cosgrove,	Keating,	Silver,
Cover,	Kilbourn,	Spates,
Denson,	Longwell,	Stoddert,
Dobbin,	Massey,	Tarr, of Caroline,
Dorsey,	Maulsby,	Tarr, of Wor.
Duvall,	McPherson,	Thomas,
Emack,	Merrick,	Toadvine,
Ferry,	Mitchell,	Vansant,
Finley,	Morris,	Wallace,
Ford,	Murray,	Watkins, of Car.
George,	Nelson,	Watkins, of Mon.
Gill,	Nicolai,	Whitman—66.
Goldsborough, D.		

NEGATIVE.

Messrs.	Garey,	McCormick,
Alvey,	Hollyday,	McMaster,
Brown,	Jamison,	Page,
Cunningham,	Jones,	Parker,
Devries,	Kennedy,	Walsh,
Evans,	Lee,	Wickes—19.
Farnandis,	Mackubin,	

So the motion for the previous question,

Was sustained.

The question then recurring upon sustaining the motion submitted by Mr. Rider,

Mr. Page demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

Messrs.	Goldsborough, D.	Parran, John,
Austin,	Groome,	Peters,
Barnes,	Hall,	Pole,
Bennett,	Hammond,	Rider,

Bradley,	Hardcastle,	Riggs,
Brent,	Hoblitzell,	Ritchie,
Brewer, B. city.	Hodson,	Rogers,
Brewer, of Mont.	Howison,	Roman,
Brooke,	Hubbard,	Silver,
Cosgrove,	Jamison,	Spates,
Cover,	Keating,	Stoddert,
Denson,	Kilbourn,	Tarr, Car.
Dobbin,	Longwell,	Tarr, Worc'r,
Dorsey,	Massey,	Thomas,
Duvall,	Maulsby,	Toadvine,
Emack,	McPherson,	Vansant,
Ferry,	Mitchell,	Wallace,
Finley,	Morris,	Watkins, of Car.
Ford,	Murray,	Watkins, of Mon.
Garey,	Nelson,	Whitman—61.
George,	Parran, C. S.	

NEGATIVE.

Messrs.	Farnandis,	McMaster,
Carmichael, Prt.	Gill,	Merrick,
Alvey,	Hayden,	Page,
Bell,	Hollyday,	Parker,
Brown,	Horse, of Fred.	Perry,
Carter,	Jones,	Pleasants,
Cunningham,	Lee,	Walsh,
Devries,	Mackubin,	Wickes—25.
Evans,	McCormick,	

So the motion prevailed, and

The Report was ordered to be engrossed for a third reading.

Mr. Maulsby moved that the Convention do now take a recess until 8 o'clock, this P. M.;

Mr. Rider moved that the Convention do now adjourn,

The question being upon concurring in the motion.

Mr. Jones demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Hodson,	Ritchie,
Austin,	Horse, of Fred.	Roman,
Barnes,	Howison,	Spates,
Bennett,	Hubbard,	Tarr, of Car.
Cosgrove,	Parran, Chas. S.	Vansant,
Denson,	Peters,	Watkins, of Mont.
George,	Rider,	Whitman—21.
Henderson,		

NEGATIVE.

Messrs.	Gill,	Morris,
Carmichael, Pr't.	Goldsborough, D.	Murray,
Alvey,	Groome,	Nicolai,
Bell,	Hall,	Page,
Brewer, of Mont.	Hardcastle,	Parker,
Brown,	Hoblitzell,	Parran, John
Carter,	Hollyday,	Perry,
Cover,	Jones,	Pleasants,
Cunningham,	Keating,	Pole,
Devries,	Lee,	Riggs,
Dobbin,	Longwell,	Stoddert,
Dorsey,	Mackubin,	Tarr, of Worc'r,
Duvall,	Maulsby,	Thomas,
Emack,	McCormick,	Toadvine,
Evans,	McMaster,	Walsh,
Farnandis,	McPherson,	Wickes—49
Ferry,	Merrick,	

So the motion to adjourn did not prevail.

The question then recurring upon the motion submitted by Mr. Maulsby,

It was sustained,

And the Convention at 3½ o'clock, P. M., took a recess until 8 o'clock this P. M.

EVENING SESSION, August 2, 1867.

The Convention met.

Present at the call of the roll the following members :

Messrs. Carmichael, (President,) Alvey, Archer, Bell, Brent, Brewer, of Montgomery, Brooks, Brown, Carter, Cunningham, Devries, Dobbin, Dorsey, Duvall, Emack, Evans, Farnandis, Ford, Giddings, Gill, Goldsborough, of Dorchester, Groome, Hall, Hammond, Hardcastle, Hayden, Hoblitzell, Hodson, Hollyday, Horsey, of Frederick, Howison, Hubbard, Jamison, Jones, Keating, Lee, Longwell, Mac-kubin, Maulsby, McCormick, McMaster, McPherson, Merrick, Mitchell, Morris, Motter, Murray, Nelson, Page, Parker, Chas. S. Parran, John Parran, Perry, Pleasants, Pole, Riggs, Ritchie, Roman, Silver, Spates, Stoddert, Thomas, Toadvine, Walsh, Watkins, of Montgomery, Wickes—66.

On motion of Mr. Jones,

The Sergeant-at-Arms was ordered to notify all the absent members now in the city, to give their attendance, and to bring them before the bar of the House ;

After an absence of ten minutes, the Sergeant-at-Arms returned, and reported that all the members now in the city were in attendance.

The Convention then proceeded to the consideration of the unfinished business of the morning's session,

Being the Report of the Committee upon the Judiciary Department,

The question recurring upon the 25th Section of the Report,
Which was read.

Pending the reading of the 26th Section,

On motion of Mr. Carter,

The Convention took up for consideration the following amendment, as submitted by Mr. Page, and adopted in Committee of the Whole, on Monday, July 22d :

Strike out all down to the word "they," inclusive, in line 4, and insert in lieu thereof, "the said Clerks ;"

Which was adopted.

The Section, as amended, was then read.

On motion of Mr. Walsh,

The Convention then returned to the consideration of the 8th Section of the Report,

Pending which,

Mr. Walsh submitted the following amendment :

Amend Section 8, by inserting 11th line, after the word pending, "or when the Judges of said Court shall be disqualified under the provisions of this Constitution to sit in any suit, action, issue, or petition, presentment or indictment ;"

Which was adopted.

The Section, as amended, was then read.

The Convention then proceeded to the consideration of

Part IV, Courts of Baltimore City, Section 27,

Pending which,

On motion of Mr. Ritchie,

The further consideration of Part IV was informally postponed, and made the special order of the day for Monday, August 5th, at 12 o'clock, M.

On motion of Mr. Maulsby,

The Convention then returned to the consideration of Section 12, which had on Tuesday, July 18th, been informally postponed.

Mr. Mitchell (by unanimous consent,) withdrew the amendment submitted by him (page 482 Journal,) and submitted the following amendment :

Strike out in 12th Section, line 4, after the word "election," the balance of the Section and insert : "and in case of any contested election of Judge, the Governor shall send the returns to the Court of Appeals, which Court shall judge of the election and qualification at such election ; and in case of a contested election for Clerk or Register of Wills, the Circuit Court of the county in which the election may be held shall judge of the election and qualification of the candidates."

Mr. Mackubin submitted the following amendment as a substitute :

"And if the judgment shall be against the one who has been returned, elected or commissioned by the Governor, the House of Delegates shall order a new election ;"

Which was rejected.

The question then recurring upon the amendment submitted by Mr. Mitchell,

On motion of Mr. Mitchell,

At 10 o'clock, P. M., the Convention adjourned.

SATURDAY, August 3, 1867.

The Convention met.

Prayer by Rev. Mr. Burke.

Present at the call of the roll the following members :

Messrs. Carmichael, (President,) Alvey, Archer, Barnes, Barry, Bell, Brent, Brewer, of Montgomery, Brown, Carter, Cover, Cunningham, Devries, Duvall, Emack, Evans, Farnandis, Ferry, Flaherty, Ford, Galt, Garey, Giddings, Gill, Goldsborough, of Dorchester, Groome, Hammond, Hardcastle, Hayden, Hodson, Hollyday, Howison, Hubbard, Jamison, Jones, Keating, Kilbourn, Longwell, Mackubin, Marbury, Maulsby, McCormick, McMaster, McPherson, Merrick, Merryman, Mitchell, Morris, Murray, Nelson, Page, Chas. S. Parran, John Parran, Perry, Pleasants, Pole, Ritchie, Roman, Silver, Spates, Stoddert, Syester, Tarr, of Worcester, Thomas, Toadvine, Walsh, Watkins, of Caroline, Watkins, of Montgomery, Wickes—69.

The proceedings of yesterday were read and approved.

The Convention then resumed the consideration of the unfinished business of yesterday,

Being the Report of the Committee upon the Judiciary Department.

The question then recurring upon the amendment submitted by Mr. Mitchell, on yesterday, to Section 12,

Pending which,

On motion of Mr. Devries,

The vote by which the amendment submitted by Mr. Mackubin as a substitute for the amendment submitted by Mr. Mitchell was rejected,

Was reconsidered.

Mr. Mitchell (by unanimous consent) withdrew the amendment submitted by him.

The question then recurring upon the substitute submitted by Mr. Mackubin,

Mr. John Parran submitted the following amendment to the amendment submitted by Mr. Mackubin :

“Within thirty days :”

Which was adopted.

The question then recurring upon the substitute submitted by Mr. Mackubin, as amended,

It was adopted.

The section, as amended,

Was then read.

The Convention then proceeded to the consideration of Part V, Orphans' Courts, Section 38 ;

Pending which,

Mr. Merrick submitted the following amendment as a substitute for the whole section :

ORPHANS' COURTS.

The qualified voters of the City of Baltimore, and of the several counties, shall, on the Tuesday next after the first Monday in November next, and on the same day in every fourth year thereafter, elect three men to be Judges of the Orphans' Court of said city and counties, respectively, who shall be citizens of the State, and residents for the twelve months preceding, in the city or county for which they may be elected. They shall have all the powers now vested in the Orphans' Courts of the State, subject to such changes as the Legislature may prescribe. Each of said Judges shall be paid a per diem for the time they are actually in session, to be regulated by law, and to be paid by the said city or counties, respectively. In case of a vacancy in the office of Judge of the Orphans' Court, the Governor shall appoint, subject to confirmation or rejection by the Senate, some suitable person to fill the same for the residue of the term ;

Pending the consideration of which,

Mr. Hammond submitted the following amendment as a substitute :

Sec. 38. The qualified voters of the City of Baltimore, and of the several counties of the State, shall, on the Tuesday next after the first Monday of November, in the year 1867, and on the same day in every fourth year thereafter, elect two men to be styled “Judges of the Orphans' Court,” of said city and counties, respectively, who shall be citizens of the State of Maryland, and qualified voters therein, and residents

of the city and county from which they may be chosen. They shall have all the power now vested in the Orphans' Courts of this State, subject to such changes therein as the Legislature may prescribe ; and they shall be paid a per diem rate for the time the Court is in session, to be fixed by the Legislature, and paid by the said city and counties, respectively, provided its sessions do not exceed one day in each week. It is intended further to provide that the Judge of the Circuit Court for the City of Baltimore, and of the counties, respectively, shall have and exercise appellate jurisdiction over the decisions of the said Orphans' Court, and for the better performance of said duty, shall hold special Court once in each quarter, to be styled "Sessions of the Orphans' Court, to have and decide appeals," and which decisions shall be final ;

Which was rejected.

The question then recurring upon the substitute submitted by Mr. Merrick,

Mr. Brent submitted the following amendment to the substitute :

After the words "Orphans' Courts of the State," insert the words "except the power to order sales of real estate ;"

Pending the consideration of which,

(By unanimous consent,)

Mr. Barnes, Chairman Select Committee, submitted the following

REPORT :

*The Committee appointed under the following order, to-wit :
By the Convention,*

Ordered, That the Committee upon Public Works and Corporations be instructed to investigate such of the proceedings of the Mayor and City Council of Baltimore as may be deemed necessary by said Committee, and particularly relative to the endorsement by the city of Baltimore of the Union Railroad Company's bonds, and to the building of a new City Hall, and that John H. Barnes, Outerbridge Horsey and Fendall Marbury, members of said Committee, be a Sub-Committee to proceed to Baltimore and there make the investigation.

By order,

MILTON Y. KIDD,

Secretary.

Having discharged the duties imposed upon them under the foregoing order, beg leave to submit the following as the conclusion reached from the investigation, and ask leave to be discharged from the further consideration of the subject :

By an Act of the General Assembly of Maryland, passed February 6th, 1866, chapter 119, the Union Railroad Company of Baltimore was incorporated with power to construct a road from the Relay House, on the Northern Central Railroad, to tidewater at Canton, with lateral roads to the city of Baltimore. By the Act of 1867 a change was made in the route, but in no other particular was the charter changed by that Act.

The charter makes the capital of the Company six hundred thousand dollars, represented by shares of the par value of one hundred dollars each, with a provision that so soon as fifteen hundred shares were subscribed, and one dollar paid on each, the stockholders were authorized to organize the Company and exercise the powers granted in the charter. The initial steps thus pointed out were observed, and subscription books opened, conformable to law, and sixteen hundred and four shares being subscribed, the Company, in due form of law, was organized.

The following is a list of the subscribers' names and the amount taken by each, and also the amount paid :

	Shares.	1867,
Canton Company,	500	Paid on acc't, Jan. 5, \$500
Western Md. R. R. Co.	500	" " April 5, 500
A. & W. Denmead & Son,	20	" " Jan. 8, 20
John N. Ely,	10	" " Jan. 16, 10
G. K. Tyler,	10	" " Jan. 16, 10
Isaac Tyson, Jr. & Son,	20	" " Jan. 26, 20
John W. Randolph,	10	" " March 2, 10
S. C. Bump,	2	" " Jan. 16, 2
John Foss,	20	" " Jan. 31, 20
Jesse Remington,	2	" " Feb. 26, 2
James Manderson,	10	" " March 2, 10
Geo. Slothower, Pres't of the G. F. R. R. Co.	500	" " Ap'l 13, 500

No. of shares subscribed, 1604 Total cash pd. on act. \$1,604

From the foregoing it will be seen that one hundred and four shares, amounting to ten thousand four hundred dollars, covers the individual and firm subscriptions; the residue is by incorporated companies, there still remaining four hundred and thirty-nine thousand six hundred dollars of the authorized capital untaken.

The 5th Section of the Act of 1866, chapter 119, authorizes the collection of their subscription as other debts are collected, or the Company may, in its discretion, remit all subscriptions.

The power to raise money for the construction of the road, and the method indicated, are found in the 2d, 3d, 5th and 11th Sections of the Act of Incorporation. The Sections are as follows :

SECTION 2. And be it enacted, That the capital stock of said Company shall be six hundred thousand dollars, in shares of one hundred dollars each ; and as soon as fifteen hundred shares are subscribed, the subscribers, their successors and assigns, shall be and they are hereby declared to be, incorporated into a Company by the name of the Union Railroad Company of Baltimore, and by that name shall be capable in law of purchasing, holding, selling, leasing and conveying estates, real, personal and mixed, so far as shall be necessary for the purpose herein mentioned, and no further, and shall have perpetual succession ; and by said corporate name may sue and be sued, and may have and use a common seal, which they shall have power to alter and renew at their pleasure ; and shall have, enjoy, and may exercise all the rights and privileges which other corporate bodies may lawfully do for the purposes herein mentioned.

SEC. 3. And be it enacted, That the Mayor and City Council of Baltimore, the Northern Central Railroad Company, the Western Maryland Railroad Company, and the Canton Company, and any other corporation chartered by this State, may, and they are hereby fully authorized and empowered, severally and respectively, each on its own account, to subscribe, as corporations, to the capital stock of said Company, which subscriptions shall be made for the said Mayor and City Council by ordinance, and by the other corporations in the manner in which other corporate acts are by them respectively performed ; and the first subscriptions of the said corporations shall not be deemed to exhaust the power, but each of the said corporations may make other and further subscriptions, if they consider the same expedient and proper ; and the said Mayor and City Council may from time to time borrow money, or issue certificates of indebtedness, to meet any instalments of subscription, and each of said corporations is authorized to issue its bonds to the amount necessary to meet such subscriptions, and to secure such bonds by mortgage or otherwise.

SEC. 5. And be it enacted, That upon every such subscription there shall be paid at the time of subscribing, to the Commissioners, or their agents appointed to receive such subscriptions, to the sum of one dollar per share, and the

residue thereof shall be paid in such instalments, and at such times as may be required by the President and Directors of said Company; *Provided*, That not more than one-half of such subscriptions be demanded in any one year from the commencement of the work, nor any payment demanded until at least thirty days public notice of such demand be given by the said President and Directors, by advertisement published at least once a week for three weeks, in two of the Baltimore papers; and if any subscriber shall fail or neglect to pay any instalments thus demanded for the space of sixty days next after the same shall be due and payable, the stock upon which the same shall be demanded, shall be forfeited to the Company, and may be sold to the said President and Directors for the benefit of the Company; but the President and Directors may proceed for the collection of the same as in cases of other debts, or may remit such subscription or such forfeiture as they may deem proper.

SEC. 11. And be it enacted, That if the subscription obtained be insufficient, the President and Directors, or a majority of them, may issue the bonds of said Company to an amount not exceeding the capital stock authorized by this Act, and may secure the same by mortgage or mortgages upon the property, franchises and revenues of the Company.

The Mayor and City Council of Baltimore, by ordinance approved ———, 1867, undertook to guarantee five hundred thousand dollars of the bonds of the Company. The power thus to act has been questioned, and we think upon sufficient grounds.

Power is given in clear and unmistakable terms in the 3d Section of the Act, to several incorporated companies and to the municipality of Baltimore City to *subscribe* to the capital stock of the Company, but there is no power conferred upon Baltimore City, or any other corporation, to endorse or guarantee their mortgage bonds. It has been alleged that the 6th Section of the Act when construed in connection with the title of the Bill confers by implication this power. The provisions of the law relied upon as giving the power to endorse, read as follows:

SEC. 6. And be it enacted, That the affairs of the said Company shall be managed by a President and Board of Directors and such other officers and agents as such President and Directors may deem necessary; that there shall be one Director for each five hundred shares of stock subscribed, and also an additional Director on the part of the Mayor and City Council of Baltimore, or any other corporation, for each one hundred thousand dollars of the bonds of said Company, *which may be endorsed or guaranteed by the Mayor and City*

Council of Baltimore, or said other corporation, that if any corporation, including the said Mayor and City Council, shall become subscribers to the said capital stock, to the extent of five hundred shares or more, such corporation shall be represented in the Board of Directors, so long as it is the holder of such stock by one Director for each five hundred of such shares, to be appointed in the manner set forth in the 4th Section of this Act.

TITLE—AN ACT

To incorporate the Union Rail Road Company of Baltimore, and to authorize the Mayor and City Council of Baltimore, the Northern Central and the Western Maryland Railroad Companies, and the Canton Company, to subscribe for the capital stock thereof, *and to endorse the mortgage bonds of said Company*, passed by the General Assembly of Maryland, January Session, 1866.

It will be seen that the section just quoted, refers to the mode of appointing Directors in the Company, and incidentally provides that in addition to the Directors which Baltimore City may have to represent any stock it may own, it shall also be entitled to one additional Director "for each one hundred thousand dollars of the bonds of said Company which may be endorsed or guaranteed by the Mayor and City Council of Baltimore."

At the time of the passage of the Act, nothing more than a subscription to the stock of the Company was contemplated; and the 6th Section, above quoted, looks, no doubt, to a subsequent Act of the Legislature authorizing the City to endorse the bonds, and anticipating such action, provision is made for Directors to represent any increased interest whenever it should occur. The projectors of this enterprise, no doubt, foresaw the uncertainty of getting stock subscriptions adequate to furnish the work, but felt quite sure if the City of Baltimore could be induced to make a large subscription to the capital stock, it would feel the necessity of coming forward in the end and endorsing enough of the bonds of the Company to complete the work, such action would be necessary in order to save the sum invested in the stock of the Company, and in this way the burthen of carrying this enterprise through, would fall upon the tax payers of Baltimore City.

The capital of the Company is limited to six hundred thousand dollars; the intention evidently was to direct the use of the sum derived from stock subscriptions, before a resort was had to the credit of the Company, and if found inadequate, then an issue of bonds might be resorted to; this is the obvious intent of the 11th Section of the Charter. It

reads as follows: "That if the subscriptions obtained be insufficient, the President and Directors, or a majority of them, may issue the bonds of said Company to an amount not exceeding the capital stock authorized by this Act, and may secure the same by mortgage upon the property, franchises and revenues of the Company."

The policy and practice of the State has been to require that all Stock Companies shall have a real and substantial capital value, and it has never encouraged corporate enterprises predicated simply upon debt. In the case of the Union Railroad Company now under consideration, a real Stock basis of \$600,000 was doubtless contemplated. The capital thus authorized was intended to be first applied to the construction of a Railroad as far as might answer that purpose, some real and tangible value would thus be created upon which to predicate a loan. But in the absence of such a basis of values, it is difficult to see what the Company could have to mortgage as a security for an issue of \$500,000 of bonds, and yet this is just what has been done. The entire enterprise (saving the meagre stock subscriptions obtained) and upon which there has been but one dollar paid in, is predicated upon nothing but bonded debt.

Much of the growth and prosperity of our State, and the onward march of the City of Baltimore in numbers and wealth is due to the successful prosecution of our works of internal improvement, and it is now a well accepted fact, that no community can hope for prosperity if its people are indifferent to the facilities necessary to afford certain rapid and cheap intercourse, and interchange of the products of industry; for it is by such means that vast treasures of wealth are brought into the commerce of the world and made to contribute to the general happiness and progress of man, which otherwise would remain valueless.

The magnitude of such undertakings, however, not unfrequently exceeds individual means, and hence the necessity for Acts of incorporation, uniting and centralizing individual efforts and capital in order to secure the successful accomplishment of such enterprises. The aid of States and Cities have, at times, been invoked and properly given to secure prompt success, and benefits have resulted far in excess of the temporary inconveniences resulting from the non-ability of such undertakings in the beginning to be fully productive. While these things are true, still there is a great necessity for caution, and for legislative restraints lest communities through the snares of the wiley and the designing, and by the recklessness of others should become dangerously involved in debts beyond their means to pay without great suffering and hardship, and thereby cause alarm, when capital

to escape the burthens of taxation takes flight, and thus an obstacle to success is created instead of the promised good.

The Legislature has for wise purposes ever been cautious in granting power to one Corporation to participate in the affairs of another or become responsible for debts not properly its own, and whenever this policy has been departed from, it has been by the most open and direct means and the authority so to act is couched in terms neither doubtful nor implied. The necessity for such a course is apparent in order to protect the public against the possibility of frauds, and hold in restraint the constant tendency of Municipal and other Corporations, to pervert and abuse their legitimate authority in doing by indirect means that which they could not obtain authority to accomplish by an open and direct appeal to the Legislature of the State. All such Acts are of evil tendency, and against the spirit of the Law; and to which no citizen can lend himself and claim an immunity from rebuke and a just public censure, even though he may escape punishment by the law.

In respect to the new City Hall now in progress, for full details the Committee visited the office of Mr. Frederick, architect, who exhibited and explained the details and designs of his plan for a new City Hall, which has been approved and adopted by the Commissioners charged with the erection of the building.

The designs contemplate a building of great beauty of style and proportions, and of imposing magnificence, combined with durability and ample accommodations for the present and growing wants of the city.

It is designed to cover the square bounded by Holliday, Fayette, North and Lexington streets, and is two hundred and thirty-one feet by one hundred and fifty feet from Holliday to North streets. The designs contemplate a building three stories high, with interior courts, a central and spacious Rotunda, with dome 234 feet high, with a large number of conveniently arranged apartments, adapted to every present and anticipated wants, with stairways and corridors appropriate and in full proportion to the interior arrangements.

The outer walls are designed to be faced with well selected and durable white marble, skillfully wrought, while iron trusses and groins of masonry support the floors, and will give great firmness and durability, as well as much security against fire.

The Committee are free to say that if the financial condition of the city justified the expenditure, the building contemplated is appropriate, and such as is required by the wants of a city of increasing numbers and wealth.

But when we consider the magnitude of the city debt, and the consequent burthens of taxations weighing down the industry of our people and paralyzing their energies, and that, too, when great financial troubles are impending and the substance of our people is wasting away and values changing, however gratifying it might be to our feelings and our city pride to have such a hall, we are admonished that this is not the time to embark in such expensive enterprise.

The existing corporate debt of Baltimore city gathered from information obtained from the City Comptroller, appears to be as follows :

Funded and floating debts created at sundry times and for various purposes.....	\$9,899,401 51
Guarantees for internal improvements and debt for water supply and Public Parks....	12,205,102 48
To which may be added for Union Railroad Bonds guaranteed.....	500,000 00
City Hall and other extraordinary expenditures.....	2,000,000 00
	<hr/>
	\$24,604,503 99

It is proper to say that for the absorption of this debt there is in various sinking funds at this time.....	5,621,208 07
	<hr/>

Which deducted still leaves.....	\$18,983,295 92
The annual interest upon this total debt, will be as thus computed.....	\$1,476,270 24
In part payment of this sum there is received from various sources, to wit: Baltimore and Ohio Railroad five million loan.....	300,000 00
York and Cumberland Guarantee Bonds.....	30,000 00
Western Maryland Railroad Bonds.....	12,000 00
Water Rents.....	267,068 17
City Passenger Railway for interest on Park debt.....	33,237 98
Baltimore and Ohio Railroad dividend on \$3,-500,000 stock.....	280,000 00
	<hr/>
	\$922,306 15

Leaving of annual interest to be provided for by taxation or otherwise, the sum of.....	\$553,964 09
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Great abuses of power and public confidence have grown up in our city management. With a shameful disregard of the true intention of government and the interest of the citizen and tax payer, large sums of money have been drawn from the City Treasury, merely to bestow patronage upon partizan favorites. The Councils have sanctioned the clandestine use of large sums of money without accountability,

and for unworthy purposes ; and in this way much of the city debt, and also a large proportion of the annual expenses of the City Government have been brought about. Cases of individual corruption were indicated to the Committee, but they did not feel themselves at liberty under the order of the Convention, to investigate them, because it would have involved more time than was deemed necessary to bestow, in establishing by official testimony that which is so currently reported, and we think, with just foundation, believed.

Economy in government is at all times a commendable virtue ; at the present it rises to a point of importance never before felt by our people. It is an essential necessity to save us from pecuniary suffering, if not from hopeless bankruptcy. But in the midst of this startling condition of things, the sad experience comes home to us that economy in the use of public money, is a virtue seldom cultivated, and still more rarely practiced.

The hands of those controlling city affairs, judging from past records, know no restraint, and seem lost to the virtue of economy. Where the public treasury is open to the cupidity of the unscrupulous, and not guarded by moral integrity there is little hope for the tax payer.

The Mayor and City Council, by ordinance approved September 25th, 1865, provided for the appointment of Commissioners, who were authorized to adopt plans, and proceed to the erection of the new City Hall ; and the same ordinance directs the Commissioners of Finance to issue five hundred thousand dollars of city bonds, and dispose of them at market rates, and apply the proceeds to this purpose.

The Eleventh Section of this Ordinance required that it should not go into effect until authority was obtained from the General Assembly of Maryland to issue these bonds. In 1866 the Legislature gave their sanction to the issue of six hundred thousand dollars, and therefore and to that extent the authority of the Mayor and City Council is undoubted, and had the cost of the building in all its parts and furnishings, when completely finished, been limited to the amount realized from the sale of the bonds authorized to be sold, their legal rights could not have been doubted. But the plan adopted will far exceed the amount authorized by the Ordinance or by the approving act of the Legislature of 1866, chapter 1.

The architect's estimated cost is eight hundred thousand dollars, if his plans are adhered to, and proper economy practiced. Such a hope, however, is, we think, a vain delusion, and if the work progresses at all in these expensive times of building, but little less than a million and a half of dollars may confidently be expected as the final cost.

We can hardly suppose, nor do we believe, that the powers granted in the Ordinance of 1865, to use for this purpose half a million of bonds, ever authorized the mere beginning of a building, the ultimate cost of which was to greatly exceed the amount set apart, and beyond which they had no right to go. The sum appropriated contemplated payment in full for a finished building, not to lay the foundation and rear outer walls, merely or partially construct the edifice, but to finish it in all its detail and in every part. If any other purpose was contemplated it does not appear upon the face of the law, and the Commissioners are not at liberty to go beyond its clear requirements, nor could the Mayor and City Council grant any powers to them in the premises not previously authorized by the Legislature.

The Mayor and City Council in their powers are limited by Legislative enactments, and the Commissioners are limited by the ordinance, and neither can go beyond them. If the Commissioners appointed under the Ordinance of 1865, or the Mayor and City Council had the power to exceed the sum authorized, then they could as well have proceeded without any authority. To exceed the law is as grave an offence as to proceed without law, and to do so is so grave an offence that the seal of public condemnation should be set upon all who participate in it.

The continued increase of the debt of Baltimore City is a subject of painful anxiety to its citizens. Each returning year has brought its augmentation, until now the burthens are intolerable, and its effect must be disastrous to the prosperity of the City and to the State also. From the fear of heavy taxation, capital will shun us, personal property will hide itself, and thereby the basis of taxation will diminish while the debt increases, and thus the burthen must, and will, in the end, fall with crushing weight upon real estate.

The effect of public debt upon communities, is the same as debt upon individuals. It shuts the door of hope—dispirits and paralyzes their energies. A public debt is a public calamity that curses the living, and wastes the estate of the dead. Its enormity at this time in the several departments of our government, is a source of serious alarm to the prudent and thoughtful. So great is the debt of the Federal and State Governments, that when added to those of a local and municipal character, an army of agents and tax-gatherers, at great expense to the people, have to be maintained to gather from them the means to pay the interest, much less the principal. Every branch of industry feels the burthen; every transaction, great or small, has some burthen upon it; property is burthened; the earnings of toil, whether of body or mind, is visited; the home that shelters is taxed; the garments we wear are taxed; the bread that

satisfies our hunger is taxed; everything is taxed. No man is so much dreaded and shunned as the tax-gatherer. The rich hide themselves to escape his inquisitorial visits. The poor meet him with sad and angry countenance. His presence is everywhere and among all men, like the blight that kills and the pestilence that desolates, and leaves little else than grief and suffering.

All of which is respectfully submitted.

JNO. H. BARNES, Ch'n.

FENDALL MARBURY.

O. HORSEY.

Which was read a first time and ordered to be printed.

The question then recurring upon the amendment submitted by Mr. Brent,

On motion of Mr. Hardcastle,

At 2 o'clock and 15 minutes, P. M., the Convention adjourned until 10½ o'clock, A. M., Monday next.

MONDAY, August 5, 1867.

The Convention met.

Prayer by Rev. Mr. Leech.

Present at the call of the roll the following members :

Messrs. Carmichael, (President,) Alvey, Archer, Barnes, Barry, Bell, Brent, Brewer, of Baltimore city, Brewer, of Montgomery, Brown, Buchanan, Carter, Cover, Cunningham, Dobbin, Emack, Farnandis, Ferry, Franklin, Galt, Garey, George, Giddings, Gill, Groome, Hardcastle, Hayden, Henderson, Høblitzell, Hodson, Howison, Hubbard, Jamison, Jones, Keating, Kennedy, Longwell, Mackubin, Marbury, Maulsby, McKaig, McMaster, McPherson, Merrick, Merryman, Mitchell, Morris, Murray, Page, Parker, C. S. Parran, John Parran, Perry, Peters, Pole, Rennolds, Ritchie, Roman, Spates, Starr, Stoddert, Syester, Tarr, of Caroline, Tarr, of Worcester, Thomas, Toadvine, Vansant, Watkins, of Caroline, Watkins, of Montgomery, Wethered, Whitman, Wilkinson—72.

The proceedings of Saturday were read and approved.

The hour having arrived for taking up the order of the day,

The Convention proceeded to the consideration of the Report of the Committee upon the Elective Franchise, and the qualification of voters, said Report being upon a third reading,

Pending which,

On motion of Mr. Carter, acting Chairman of the Committee upon Revision and Compilation,

The Report was opened for amendment by the Committee.

Whereupon Mr. Carter submitted the following

REPORT.

The Committee on Revision and Compilation, to which was referred the Engrossed Report upon the Elective Franchise and the Qualification of Voters, has carefully revised the same, and recommends the following amendments. The lines referred to are those in the copy printed under the order of the Convention, of the 20th of June, 1867 :

1st. Sec. 1, line 10. Add the letter "s" to the words "Senator, Delegate," and strike out the words "officer or."

2d. Sec. 3, line 4. Strike out the word "forcibly."

3d. Sec. 5, line 4. After the word "evidence" insert the words, "to the Judges of Election."

Respectfully submitted.

BERNARD CARTER,

Acting Chairman.

Which was read, and,

On motion of Mr. Jones,

Adopted.

The Report, as amended, was then read a third time and passed,

By yeas and nays as follows :

AFFIRMATIVE.

Messrs.	Gill,	Parker,
Carmichael, Pr't.	Groome,	Parran, Chas. S.
Alvey,	Hardcastle,	Parran, John,
Archer,	Hayden,	Perry,
Barry,	Henderson,	Peters,
Bell,	Hoblitzell,	Pole,
Brewer, of B. city,	Hodson,	Rennolds,
Brewer, of Mont.	Howison,	Ritchie,
Brown,	Hubbard,	Spates,
Buchanan,	Jamison,	Starr,
Carter,	Jones,	Stoddert,
Cover,	Keating,	Syester,
Cunningham,	Kennedy,	Tarr, of Caroline,
Dobbin,	Longwell,	Tarr, of Worc'r.
Emack,	Mackubin,	Thomas,
Farnandis,	Marbury,	Toadvine,
Ferry,	Maulsby,	Vansant,
Franklin,	McKaig,	Watkins, of Car.
Galt,	McMaster,	Watkins, of Mont.
Garey,	Merrick,	Wethered,
George,	Morris,	Whitman,
Giddings,	Murray,	Wilkinson—65.

NEGATIVE.

None.

The Convention then proceeded to the consideration of the unfinished business of Saturday,

Being the Report of the Committee upon the Judiciary Department,

The question recurring upon the amendment submitted by Mr. Brent to the substitute submitted by Mr. Merrick for the 38th Section, said Report ;

Pending which,

The hour having arrived for taking up the special order of the day,

Being Part IV of the Report of the Committee upon the Judiciary Department,

The question recurring upon the 27th Section said Report ;

Pending the consideration of which,

On motion of Mr. Wilkinson,

The further consideration of the special order of the day was postponed until to-morrow, at 12 o'clock, M.

The Convention then resumed the consideration of the 38th Section of the Report.

The question recurring upon the amendment submitted by Mr. Brent, to the substitute submitted by Mr. Merrick;

Pending which,

On motion of Mr. Stoddert,

The further consideration of the 38th Section, with pending amendments,

Was postponed; and made the order of the day for to-morrow, Tuesday, at 1 o'clock, P. M.

On motion of Mr. Giddings,

The vote by which the further consideration of Part IV was postponed until to-morrow,

Was reconsidered, and the Convention resumed the consideration of Section 27, Part IV ;

Pending which,

Mr. Ritchie submitted the following amendment as a substitute for the whole section :

PART IV.—COURTS OF BALTIMORE CITY.

SEC. 27. There shall be in the Eighth Judicial Circuit, six Courts, to be styled the Superior Court of Baltimore City, the Court of Common Pleas, the Circuit Court of Baltimore City, the Criminal Court of Baltimore, the City Court of Baltimore, and the Supreme Bench of Baltimore City ; each Court, except the Supreme Bench of Baltimore City, shall consist of one Judge, who shall be elected by the legal and

qualified voters of said city, at the election hereinbefore provided, and shall hold his office for the term of ——— years, subject to the provisions of this Constitution with regard to the election and qualification of Judges, and their removal from office, and shall exercise the jurisdiction hereinafter specified.

Pending the consideration of which,

Mr. Brewer, of Baltimore City, moved that the Convention resolve itself into a Committee of the Whole, to consider the 27th Section of Part IV ;

Decided in the negative.

On motion of Mr. Merrick,

The limit to the debate upon the question before the Convention, was extended to thirty minutes to each member.

Pending the consideration of which,

Mr. Merrick moved that the Convention do now take a recess until 8 o'clock this P. M.

Mr. Wilkinson moved that the Convention do now adjourn ;

Decided in the negative.

The question then recurring upon the motion submitted by Mr. Merrick,

It was sustained,

And the Convention, at 3 o'clock P. M., took a recess until 8 o'clock this P. M.

EVENING SESSION, AUGUST 5, 1867.

The Convention met.

Present at the call of the roll the following members :

Messrs. Carmichael, (President,) Alvey, Archer, Barnes, Barry, Bell, Brent, Brewer, of Baltimore City, Brewer, of Montgomery, Brown, Buchanan, Carter, Cover, Cunningham, Devries, Dobbin, Dorsey, Farnandis, Franklin, Galt, Garey, George, Giddings, Gill, Groome, Hardcastle, Hayden, Hoblitzell, Hodson, Howison, Hubbard, Jamison, Janvier, Jones, Keating, Kennedy, Longwell, Manro, Marbury, Maulsby, McKaig, McMaster, McPherson, Merrick, Mitchell, Morris, Motter, Murray, Nelson, Nicolai, Page, Parker, C. S. Parran, John Parran, Perry, Peters, Pole, Riggs, Ringgold, Ritchie, Roman, Spates, Starr, Stoddert, Syester, Tarr, of Caroline, Thomas, Toadvine, Vansant, Watkins, of Montgomery, Wethered—71.

The Convention resumed the consideration of the morning's session,

Being the Report of the Committee upon the Judiciary Department.

The question recurring upon the amendment submitted by Mr. Ritchie, as a substitute for the 27th Section of said Report ;

Pending the consideration of which,

Mr. Maulsby moved that the Reports of the Majority and Minority of the Committee on the Judiciary Department, on Part IV of the Article reported by that Committee, entitled, " Courts of Baltimore City," be referred to the Delegation from the City of Baltimore, with instructions to report as early as practicable a plan which shall embody the views of their constituents, and with an earnest expression of the hopes of the Convention that such plan be agreed on by the entire Delegation.

The question recurring upon sustaining the motion submitted by Mr. Maulsby,

On motion of Mr. Page,

At 10 o'clock and 5 minutes, P. M., the Convention adjourned.

TUESDAY, August 6, 1867.

The Convention met.

Prayer by Rev. Mr. Hammond.

Present at the call of the roll the following members :

Messrs. Carmichael, (President,) Alvey, Archer, Austin, Barnes, Barry, Bell, Brent, Brewer, of Baltimore city, Brewer, of Montgomery, Brown, Buchanan, Carter, Cosgrove, Cover, Cunningham, Denson, Devries, Dobbin, Dorsey, Duvall, Emack, Ferry, Franklin, Galt, Garey, George, Giddings, Gill, Goldsborough, of Dorchester, Groome, Hardcastle, Hayden, Henderson, Hoblitzell, Hodson, Hollyday, Horsey, of Frederick, Howison, Hubbard, Ireland, Jamison, Janvier, Jones, Keating, Kennedy, Kilbourn, Lee, Longwell, Manro, Marbury, Massey, Maulsby, McCormick, McKaig, McMaster, McPherson, Merrick, Merziman, Mitchell, Morris, Motter, Murray, Nelson, Nicolai, Page, Parker, Charles S. Parran, John Parran, Perry, Peters, Pole, Rennolds, Rider, Riggs, Ringgold, Ritchie, Roman, Spates, Starr, Stoddert, Syester, Tarr, of Caroline, Tarr, of Worcester, Thomas, Toadvine, Vansant, Walsh, Watkins, of Caroline, Watkins, of Montgomery, Wethered, Wilkinson—92.

The proceedings of yesterday were read and approved.

Mr. Mitchell submitted the following order :

Ordered, That from and after the passage of this order, no member of this Convention shall speak on any subject more than five minutes, except on the Article "Public Works," and that this order be rigidly enforced by the President ;

Which was rejected.

Mr. Page submitted the following order :

Ordered, That on any motion, order or resolution, except amendments to Reports of Committees, no member of this Convention be permitted to speak oftener than once, or more than five minutes.

Which was read a first time, and,

On motion of Mr. Page,

(The rules being suspended, two-thirds of the members present concurring,)

A second time, and adopted.

Mr. Thomas submitted the following order :

Ordered, That this Convention will adjourn *sine die*, on Thursday, August 15th, instant, at 2 o'clock, P. M. ;

Which was adopted.

Mr. McPherson submitted the following order :

Ordered, That it be entered on the Journal, that Mr. Johnson, of Frederick, is detained from his seat by sickness in his family ;

Which was adopted.

On motion of Mr. Maulsby (by unanimous consent,) Mr. Maulsby withdrew the motion submitted by him, at yesterday's evening session, relative to referring the Majority and Minority Reports of the Committee upon the Judiciary Department, to the delegation from Baltimore city, with instructions to report, &c.

The Convention then resumed the consideration of the unfinished business of yesterday,

Being the Report of the Committee upon the Judiciary Department.

The question recurring upon the amendment submitted by Mr. Ritchie to the 27th Section of said Report,

Pending which,

On motion of Mr. Barnes,

The further consideration of the 27th Section was informally postponed.

On motion of Mr. Barnes,

The Baltimore City Delegation were permitted to retire for consideration upon the 27th Section, Part IV, Courts of Baltimore City.

The hour having arrived for taking up the order of the day,

The Convention proceeded to the consideration of the Report of the Committee upon the Treasury Department, said Report being upon a third reading,

Pending which,

On motion of Mr. Carter,

The further consideration of the Report was postponed until the return of the Delegation from the City of Baltimore, who were retiring for consultation.

On motion of Mr. Merrick,

The Convention then proceeded to the consideration of Section 41, Part VI, Justices of the Peace ;

Pending which,

Mr. Merrick submitted the following amendment :

Sec. 41, line 4, after the word "Baltimore," insert the word " respectively ;"

Which was adopted.

The section, as amended,

Was then read.

Section 42 was then read.

Pending the reading of Section 43, Part VII,—Sheriffs,

Mr. Nicolai submitted the following amendment :

Section 43, line 2. Strike out the word "fourth," and insert the word " second ;"

Pending the consideration of which,

On motion of Mr. Merrick,

At 10 o'clock and 50 minutes, A. M., the Convention took a recess until 12 o'clock, M.

At 12 o'clock, Noon,

The Convention re-assembled in session, and resumed the consideration of the Report of the Committee upon the Judiciary Department,

The question recurring upon the amendment submitted by Mr. Nicolai, to the 43d Section of said Report ;

It was adopted.

Mr. Nicolai submitted the following amendment :

Sec. 43. Strike out the word " four," wherever it occurs in said Section, and insert the word " two ;"

Which was adopted.

Mr. Keating submitted the following amendment :

Part VII, Sec. 43. Strike out all after the word " City," in line 10, and insert the following : " The Judges of the Circuit Court for the County, and the Judge of the Superior Court of Baltimore City, as the case may be, in which said vacancy shall occur, shall appoint some suitable person to be Sheriff for the remainder of the official term ;"

Pending the consideration of which,

Mr. Tarr, of Caroline,

Moved the previous question ;

The question then being,

“Shall the previous question be now put?”

It was sustained.

The question then recurring upon the adoption of the amendment submitted by Mr. Keating ;

It was rejected.

Mr. C. S. Parran submitted the following amendment :

Sec. 43, line 9. After the word “death” insert the word “resignation.”

Which was adopted.

The Section as amended was then read.

On motion of Mr. Carter,

The Convention resumed the consideration of Part IV, Courts of Baltimore city.

Mr. Carter submitted the following as a substitute for Part IV :

SUBSTITUTE FOR PART IV.

Sec. 27. There shall be in the 8th Judicial Circuit, six Courts, to be styled the Supreme Bench of Baltimore City, the Superior Court of Baltimore City, the Court of Common Pleas, the Baltimore City Court, the Circuit Court of Baltimore City, and the Criminal Court of Baltimore.

Sec. 28. The Superior Court of Baltimore City, the Court of Common Pleas, and the Baltimore City Court shall each have concurrent jurisdiction in all civil common law cases, and concurrently all the jurisdiction which the Superior Court of Baltimore City and the Court of Common Pleas now have, except jurisdiction in Equity, and cases of Appeal from judgments of Justices of the Peace in said city, whether civil or criminal, or arising under the ordinances of the Mayor or City Council of Baltimore, of all of which appeal cases the Baltimore City Court shall have exclusive jurisdiction.

Sec. 29. The Circuit Court of Baltimore City shall have exclusive jurisdiction in Equity within the limits of said city, and all such jurisdiction as the present Circuit Court of Baltimore City has, provided the said Court shall not have jurisdiction in application for the writ of *habeas corpus* in cases of persons charged with criminal offences.

Sec. 30. The Criminal Court of Baltimore shall have and exercise all the jurisdiction now held and exercised by the Criminal Court of Baltimore, except in such appeal cases as are herein assigned to the Baltimore City Court.

Sec. 31. There shall be elected by the legal and qualified voters of said city, at the election hereinbefore provided for, one Chief Judge and four Associate Judges, who, together, shall constitute the Supreme Bench of Baltimore city, and shall hold their offices for the term of fifteen years, subject to the provisions of this Constitution with regard to the election and qualifications of Judges, and their removal from office, and shall exercise the jurisdiction hereinafter specified, and shall each receive an annual salary of \$——, payable quarterly, which shall not be diminished during their term of office.

Sec. 32. It shall be the duty of the said Supreme Bench of Baltimore City, as soon as the Judges thereof shall be elected and duly qualified, and from time to time, to provide for the holding of each of the aforesaid Courts, by the assignment of one or more of their number to each of the said Courts, and may from time to time change the said assignment, as circumstances may require, and the public interests may demand; and the Judge or Judges so assigned to the said several Courts, shall, when holding the same, have all the powers and exercise all the jurisdiction which may belong to the Court so being held; and it shall also be the duty of the said Supreme Bench of Baltimore City, in case of the sickness, absence, or disability of any Judge or Judges assigned as aforesaid, to provide for the hearing of the cases, or transaction of the business assigned to said Judge or Judges, as aforesaid, before some one or more of the Judges of said Court.

Sec. 33. The said Supreme Bench of Baltimore City shall have power, and it shall be its duty, to make all needful rules and regulations for the conduct of business in each of the said Courts, during the session thereof and in vacation, or in Chambers, before any of said Judges; and shall also have jurisdiction to hear and determine all motions for a new trial in cases tried in any of said Courts, where such motions arise either on questions of fact, or for misdirection upon any matters of law, and all motions in arrest of judgment or upon any matters of law determined by the said Judge or Judges, while holding said several Courts; and the said Supreme Bench of Baltimore City shall make all needful rules and regulations for the hearing before it of all of said matters; and the same right of appeal to the Court of Appeals shall be allowed from the determination of the said Court on such matters, as would have been the right of the parties if said matters had been decided by the Court in which said cases were tried.

Sec. 34. No appeal shall lie to the Supreme Bench of Baltimore City from the decision of the Judge or Judges holding the Baltimore City Court, in cases of appeal from a Justice

of the Peace, but the decision by said Judge or Judges shall be final.

Sec. 35. Three of the Judges of the said Supreme Bench of Baltimore City shall constitute a quorum of said Court.

Sec. 36. All causes depending at the adoption of this Constitution, in the Superior Court of Baltimore City, the Court of Common Pleas, the Criminal Court of Baltimore, and the Circuit Court of Baltimore, shall be proceeded in and prosecuted to final judgment or decree therein, except cases belonging to that class, jurisdiction over which is by this Constitution transferred to the Baltimore City Court, all of which shall, together with all cases now pending in the said Baltimore City Court, be proceeded in and prosecuted to final judgment in said last mentioned Court.

Sec. 37. There shall be a clerk of each of the said Courts of Baltimore City, except the Supreme Bench, who shall be elected by the legal and qualified voters of said city, at the election for Judges hereinbefore provided, and shall hold his office for six years from the time of his election, and until his successor is elected and qualified and be re-eligible thereto, subject to be removed for wilful neglect of duty, or other misdemeanor in office, on conviction in a court of law. The salary of each of the said clerks shall be the amount hereinbefore provided, payable quarterly out of the fees and receipts collected by the clerks of said city, and they shall be entitled to no other perquisites or compensation. In case of a vacancy in the office of clerk of any of the said Courts, the Judges of said Supreme Bench of Baltimore City shall have power to fill such vacancy, until the general election of Delegates to the General Assembly, to be held next thereafter, when a clerk of said Court shall be elected to serve for six years thereafter.

Sec. 38. The Clerk of the Court of Common Pleas shall have authority to issue within said city, all marriage and other licenses required by law, subject to such provisions as are now or may be prescribed by law. The Clerk of the Superior Court of said city shall receive and record all Deeds, Conveyances, and other papers, which are or may be required by law, to be recorded in said city. He shall also have custody of all papers connected with the proceedings on the Law or Equity side of Baltimore County Court, and of the Dockets thereof, so far as the same have relation to the City of Baltimore; and shall also discharge the duties of Clerk to the Supreme Bench of Baltimore City, unless otherwise provided by law.

Sec. 39. The General Assembly shall, whenever it may think the same proper and expedient, provide by law another

Court for the City of Baltimore, and prescribe its jurisdiction and powers; in which case there shall be elected by the voters of said city, qualified under this Constitution, another Judge of the Supreme Bench of Baltimore City, who shall be subject to the same constitutional provisions, hold his office for the same term of years, receive the same compensation, and have the same power as is herein provided for the Judges of said Supreme Bench of Baltimore City; and all of the provisions of this Constitution relating to the assignment of Judges to the Courts now existing in said city, and for the dispatch of business therein, shall apply to the Court for whose creation provision is made by this Section. And the General Assembly may re-apportion the jurisdiction among the several Courts in Baltimore City, from time to time, as in its judgment the public interest and convenience may require.

Which, on motion of Mr. Carter,

Was ordered to be entered on the Journal.

The hour having arrived for taking up the order of the day,

The Convention proceeded to the consideration of Part V, Orphans' Courts, Sec. 38.

The question recurring upon the amendment submitted by Mr. Brent to the substitute submitted by Mr. Merrick for the whole Section,

It was rejected.

Mr. Maulsby submitted the following amendment to the substitute:

Strike out the word "three," and insert the word "two," between the words "elect" and "men."

The question recurring upon the adoption of the amendment,

Mr. Stoddert demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called and appeared as follows:

AFFIRMATIVE.

Messrs.	Gill,	Mitchell,
Carmichael, Pr't.	Hardcastle,	Motter,
Alvey,	Hayden,	Murray,
Archer,	Hoblitzell,	Nelson,
Brent,	Hollyday,	Parran, Chas. S
Brown,	Horse, of Fred.	Pole,

Cosgrove,	Howison,	Roman,
Cover,	Jones,	Stoddert,
Cunningham,	Keating,	Syester,
Dorsey,	Massey,	Tarr, of Wor.
Franklin,	Maulsby,	Thomas,
Garey,	McMaster,	Toadvine,
Giddings,	McPherson,	Walsh—38.

NEGATIVE.

Messrs.	Henderson,	Parker,
Austin,	Hodson,	Parran, John
Barnes,	Hubbard,	Peters,
Bell,	Ireland,	Renolds,
Brewer, of Mont.	Jamison,	Rider,
Buchanan,	Kilbourn,	Riggs,
Carter,	Lee,	Ritchie,
Devries,	Longwell,	Starr,
Dobbin,	Manro,	Tarr, of Car.
Duvall,	Marbury,	Vansant,
Emack,	McCormick,	Watkins, of Car.
Ferry,	Merrick,	Watkins, of M.
Galt,	Merryman,	Wethered,
George,	Morris,	Wilkinson—43.
Goldsborough, D.	Page,	

So the amendment submitted by Mr. Maulsby was rejected.

Mr. Devries submitted the following amendment as a substitute for the substitute submitted by Mr. Merrick :

“The qualified voters of the several counties of the State, shall, on the day of November, eighteen hundred and sixty-seven, elect one Judge for the Orphans’ Court of the several counties, respectively, to serve for four years, who shall be a legal voter of the county for which they may be elected, at least one year next preceding their election; they shall have all the powers now vested in the Orphans’ Courts, subject to such changes as the Legislature may direct, and receive such compensation as now is or may be hereafter by law allowed; it shall be the duty of one of the Circuit Judges of each circuit, at least four times in each year, to sit with the Orphans’ Court Judge, to review the proceedings of said Court, and decide all disputed cases arising in said Court; in case of temporary sickness, the Register of Wills shall, for the time being, exercise all the duties of said Judge, and in case of death, until a Judge is appointed by the Governor.”

The question recurring upon the adoption of the substitute, Mr. Stoddert demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Ferry,	Motter,
Carmichael, Pr't.	Galt,	Murray,
Archer,	Giddings,	Page,
Brent,	Gill,	Pole,
Brown,	Hollyday,	Starr,
Buchanan,	Horse, of Fred.	Stoddert,
Cosgrove,	Kennedy,	Syester,
Cunningham,	Massey,	Toadvine,
Devries,	Maulsby,	Wethered—26.

NEGATIVE.

Messrs.	Hoblitzell,	Mitchell,
Alvey,	Hodson,	Morris,
Austin,	Howison,	Nelson,
Barnes,	Hubbard,	Nicolai,
Barry,	Ireland,	Parker,
Bell,	Jamison,	Parran, John,
Brewer, of Mont.	Janvier,	Peters,
Carter,	Jones,	Rennolds,
Cover,	Keating,	Rider,
Dobbin,	Kilbourn,	Riggs,
Dorsey,	Lee,	Ringgold,
Duvall,	Longwell,	Ritchie,
Emack,	Manro,	Roman,
Franklin,	Marbury,	Tarr, of Caroline,
Garey,	McCormick,	Tarr, of Worces'r,
George,	McKaig,	Thomas,
Goldsborough, D.	McMaster,	Vansant,
Groome,	McPherson,	Walsh,
Hardcastle,	Merrick,	Watkins, of Car.
Hayden,	Merryman,	Watkins, of M.
Henderson,		—60.

So the substitute submitted by Mr. Devries,
Was rejected.

The question then recurring upon the substitute submitted by Mr. Merrick,

It was adopted.

The section, as amended, was then read.

Pending the reading of Section 39,

On motion of Mr. Merrick,

The section was stricken out.

Pending the reading of new Section 39,

Mr. Page submitted the following amendment as a substitute :

Sec. 39. There shall be a Register of Wills in each county of the State, and the City of Baltimore, to be elected by the legal and qualified voters of said counties and city, respectively, who shall hold his office for six years from the time of his election, and until his successor is elected and qualified ; he shall be re-eligible, and subject at all times to removal for wilful neglect of duty, or misdemeanor in office, in the same manner that Clerks of the Courts are removable. In the event of any vacancy in the office of Register of Wills, said vacancy shall be filled by the Judges of the Orphans' Court in which such vacancy occurs, until the next general election for Delegates to the General Assembly, when a Register shall be elected to serve for six years thereafter ;

Pending the consideration of which,

Mr. John Parran submitted the following amendment to the substitute :

Strike out the word " six," where it occurs before the word " years," and insert the word " four ;"

Which was rejected.

Mr. Cosgrove submitted the following amendment to the substitute :

Strike out the word " six," where it occurs before the word " years," and insert the word " two ;"

Which was rejected.

The question then recurring upon the substitute submitted by Mr. Page,

It was adopted.

On motion of Mr. Carter,

The Convention then resumed the consideration of the 3d Section of the Report, the further consideration of which had, on Thursday, July 18, 1867, been informally postponed.

The question recurring upon the amendment submitted by Mr. George, viz :

Sec. 3. Insert after the word " Courts," in first line, the words " in the counties."

Insert after the word " next," in 4th line, " and in the city of Baltimore on the Second Wednesday of October next."

Pending the consideration of which,

Mr. Buchanan moved the previous question.

The question being,

“Shall the previous question be now put?”

It was sustained.

The question then recurring upon the adoption of the amendment submitted by Mr. George,

It was adopted.

Mr. Merrick submitted the following amendment :

Sec. 3. Insert after the words “October next,” the words, “and the same days respectively in every fifteenth year thereafter.”

Pending the consideration of which,

Mr. Wilkinson moved that the Convention do now adjourn.

Decided in the negative.

Mr. Jones moved a call of the House.

Which was sustained.

Upon the call of the roll the following members responded to their names :

Messrs. Carmichael, (P't.) Alvey, Archer, Austin, Barnes, Barry, Bell, Brent, Brewer, of Baltimore City, Brewer, of Montgomery, Brown, Buchanan, Carter, Cover, Cunningham, Denson, Devries, Dobbin, Dorsey, Duvall, Emack, Ferry, Franklin, Galt, Garey, George, Giddings, Gill, Goldsborough, of Dorchester, Groome, Hardcastle, Hayden, Henderson, Hoblitzell, Hodson, Hollyday, Horsey, of Frederick, Howison, Hubbard, Ireland, Jamison, Janvier, Jones, Keating, Kennedy, Kilbourn, Lee, Longwell, Manro, Marbury, Maulsby, McCormick, McKaig, McMaster, McPherson, Merrick, Merryman, Mitchell, Morris, Motter, Murray, Nelson, Nicolai, Page, Parker, C. S. Parran, John Parran, Peters, Pole, Rennolds, Rider, Riggs, Ritchie, Roman, Starr, Stoddert, Syester, Tarr, of Caroline, Tarr, of Worcester, Thomas, Toadvine, Vansant, Walsh, Watkins, of Caroline, Watkins, of Montgomery, Wethered, Wilkinson—87.

On motion of Mr. Jones all further proceedings under the call were dispensed with.

On motion of Mr. Watkins, of Montgomery,

At 3 o'clock and 5 minutes, P. M., the Convention took a recess until 8 o'clock this P. M.

EVENING SESSION, August 6, 1867.

The Convention met.

Present at the call of the roll the following members :

Messrs. Carmichael, (Pr't.) Alvey, Archer, Austin, Barry, Bell, Bennett, Brent, Brewer, of Baltimore city, Brewer, of Montgomery, Brown, Buchanan, Carter, Cover, Chambers, Cunningham, Devries, Dobbin, Dorsey, Duvall, Emack, Ford, Franklin, Galt, Gill, Groome, Hall, Hammond, Hardcastle, Hayden, Hoblitzell, Hodson, Hollyday, Horsey, of Frederick, Howard, Hubbard, Ireland, Jamison, Janvier, Jones, Keating, Kennedy, Lee, Longwell, Mackubin, Manro, Marbury, Massey, Maulsby, McCormick, McKaig, McMaster, McPherson, Merrick, Mitchell, Morris, Motter, Murray, Nelson, Page, Parker, Charles S. Parran, John Parran, Peters, Pole, Rider, Riggs, Ringgold, Ritchie, Roman, Spates, Starr, Stoddert, Syester, Tarr, of Worcester, Thomas, Toadvine, Walsh, Watkins, of Montgomery, Wethered—81.

The Convention resumed the consideration of the unfinished business of the morning's session,

Being the Report of the Committee upon the Judiciary Department ;

The question recurring upon the amendment submitted by Mr. Merrick,

When Mr. Merrick (by unanimous consent) withdrew the amendment submitted by him.

On motion of Mr. Merrick,

The vote by which the 5th Section of the Report had been ordered to a second reading,

Was reconsidered.

The Section then being upon a second reading,

Mr. Merrick submitted the following amendment :

Insert in Section 5, line 2, after the word "mentioned," these words : "upon the expiration of the term or ;" and at the end of the section these words : "If the vacancy shall occur in the City of Baltimore, the time of election shall be the second Wednesday in October following ;"

Which was adopted.

The section, as amended,
Was then read a second time.

On motion of Mr. Horsey, of Frederick,

The Convention then resumed the consideration of the Report of the Committee Respecting the Appointment, Tenure of Office, Duties and Compensation of all Civil Officers not embraced in the duties of other Standing Committees ;

The further consideration of which had, on Wednesday, July 31st, been informally postponed.

Mr. Walsh moved a reconsideration of the vote by which the substitute submitted by Mr. Bateman as a substitute for Sections 4 and 5 of said Report had been adopted.

Pending the consideration of which,

Mr. Jones moved the previous question.

The question then being,

“Shall the previous question be now put?”

It was not sustained.

The question then recurring upon the motion submitted by Mr. Walsh,

It was sustained.

The question then recurring upon the adoption of the substitute submitted by Mr. Bateman,

Mr. Lee demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

Messrs.	Hayden,	Merrick,
Archer,	Hollyday,	Parran, John,
Bell,	Keating,	Stoddert,
Brown,	Lee,	Watkins, of Mon.
Emack,	Massey,	—14.
Groome,		

NEGATIVE.

Messrs.	Hall,	Mitchell,
Carmichael, Pr't.	Hammond,	Morris,
Alvey,	Hardcastle,	Motter,
Austin,	Hodson,	Murray,
Barnes,	Horsey, of Fred.	Nelson,
Barry,	Hubbard,	Parker
Brent,	Ireland,	Parran Chas. S.

Brewer, of Mont.	Jamison,	Peters,
Buchanan,	Janvier,	Pole,
Carter,	Jones,	Riggs,
Chambers,	Kennedy,	Ringgold,
Cunningham,	Longwell,	Ritchie,
Devries,	Mackubin,	Roman,
Dobbin,	Manro,	Spates,
Dorsey,	Marbury,	Starr,
Duvall,	Maulsby,	Syester,
Ford,	McCormick,	Tarr, of Wor.
Franklin,	McKaig,	Walsh,
Galt,	McMaster,	Wethered—58.
Gill,	McPherson,	

So the substitute submitted by Mr. Bateman was rejected.

The question then recurring upon Section 4 of the Report,

Mr. Horsey, of Frederick, submitted the following amendment:

Sec. 4, line 9. Strike out the words "two thousand," and insert the words "fifteen hundred;"

Which was adopted.

The section, as amended,

Was then read.

Pending the reading of Sec. 5,

Mr. Mackubin submitted the following amendment:

Strike out all of Section 5, and insert the following as a substitute:

The Commissioner of the Land Office shall also, without any additional compensation, collect, arrange, classify, have charge of, and safely keep all papers, records, relics and memorials connected with the early history of Maryland, not belonging to any other office;

Which was adopted.

The Report, as amended, was then read a second time, and,

On motion of Mr. Carter,

Was ordered to be engrossed for a third reading.

On motion of Mr. Wethered,

At 10 o'clock and 5 minutes, P. M., the Convention adjourned.

WEDNESDAY, August 7, 1867.

The Convention met.

Prayer by Rev. Mr. Hammond.

Present at the call of the roll the following members :

Messrs. Carmichael, (President,) Alvey, Archer, Austin, Barnes, Barry, Bell, Brent, Brewer, of Baltimore City, Brewer, of Montgomery, Brooke, Brown, Buchanan, Carter, Chambers, Cosgrove, Cover, Cunningham, Denson, Devries, Dobbin, Dorsey, Duvall, Emack, Evans, Ferry, Flaherty, Ford, Franklin, Galt, Garey, George, Giddings, Gill, Goldsborough, of Dorchester, Groome, Hall, Hammond, Hardcastle, Hayden, Henderson, Hoblitzell, Hodson, Hollyday, Horsey, of Frederick, Horsey, of Somerset, Howard, Howison, Hubbard, Ireland, Jamison, Janvier, Jones, Keating, Kennedy, Kilbourn, Lee, Longwell, Mackubin, Manro, Marbury, Massey, Maulsby, McCormick, McKaig, McMaster, McPherson, Merrick, Merryman, Mitchell, Morris, Motter, Murray, Nelson, Nicolai, Page, Parker, Chas. S. Parran, John Parran, Perry, Peters, Pleasants, Pole, Renolds, Rider, Riggs, Ringgold, Ritchie, Roman, Silver, Spates, Starr, Stoddert, Syester, Tarr, of Caroline, Tarr, of Worcester, Thomas, Toadvine, Vansant, Walsh, Watkins, of Caroline, Watkins, of Montgomery, Wethered—102.

The proceedings of yesterday were read and approved.

Mr. Ireland presented the following petition :

Petition of Samuel B. Wilson and 43 other citizens of Calvert county, praying that Calvert Court may be placed in the 5th Judicial District.

Which was read,

And referred to the Committee upon the Judiciary Department.

Mr. McMaster submitted the following order :

Ordered, That it be entered on the Journal that Mr. Covington, of Worcester county, is detained from his seat in this Convention by continued indisposition.

Which was adopted.

Mr. Lee submitted the following order :

Ordered, That the President appoint a Committee clerk in place of Mr. Meginniss, resigned.

Which was adopted.

The President appointed Wm. Harwood, in pursuance of the order just adopted, as a clerk to assist the Clerk and Committee of Revision and Compilation.

Mr. Lee submitted the following order :

Ordered, That when all the Articles designed to compose the Constitution shall have been read the third time and passed, they shall be recommitted to the Committee on Revision and Compilation, with instructions to arrange and compile the same in the order they ought to be to form the entire Constitution, and when they shall have been so arranged and compiled, they shall be reported to the Convention for final approval, and for the signature of the President and attestation of the Secretary, after which the Constitution shall be deposited in the office of the Clerk of the Court of Appeals.

Pending the consideration of which,

Mr. Peters submitted the following amendment :

After the word "President," insert "and the signatures of such of the members of the Convention as may be present."

Which was rejected.

The question then recurring upon the order submitted by Mr. Lee,

It was adopted.

Mr. Ford submitted the following order :

Ordered, That it be entered on the Journal that John F. Dent is absent from this Convention on account of the illness of a member of his family ;

Which was adopted.

The hour having arrived for taking up the order of the day,

The Convention proceeded to the consideration of the Report of the Committee upon the Treasury Department, said Report being upon a third reading.

On motion of Mr. Lee,

The Report was opened for amendment by the Committee upon Revision and Compilation.

Mr. Lee, Chairman of the Committee upon Revision and Compilation, submitted the following Report :

The Committee on Revision and Compilation, to which was referred the Engrossed Report of the Committee upon the Treasury Department, has carefully revised the same,

and recommends the following amendments. The lines referred to are those in the copy of the Engrossed Report, printed under the orders of the Convention of June 20th, 1867:

1st. Section 1, line 6, after the word "ballot," insert the words, "who shall receive an annual salary of two thousand five hundred dollars;" same line, strike out the word "whose," and insert the words "and the." Line 7, after the word "office," insert the words, "of the said Comptroller and Treasurer." Line 8, strike out the words, "who shall receive an annual salary of two thousand five hundred dollars." Line 16, after the word "and," where it first occurs, insert the word "until."

2d. Section 2, line 17, after the word "make," insert the words, "to the General Assembly;" same line, after the word "and," insert the word "of." Line 19, strike out the words, "of the Legislature."

3d. Section 3, line 1, after the word "and," insert the words, "until otherwise prescribed by law." Line 2, after the word "State," strike out the words, "until otherwise provided by law." Line 4, after the word "time," insert the words, "with the approval of the Governor;" same line, after the word "select," strike out the words, "and which selection the Governor shall approve." Line 5, strike out the words "to give," and insert the word "giving." Line 7, for the word "disburse," insert the word "shall." Line 22, before the word "filed," strike out the words "shall be."

4th. Section 4, line 2, after the word "monthly," insert the words "in such newspapers as the Governor may direct." Line 4, after the word "thereof," strike out the words "in such newspapers as the Governor may direct."

5th. Section 5, line 23, after the word "next," strike out the words "or as soon thereafter as possible (practicable);" and after the word "election," insert the words "or as soon thereafter as practicable." Line 4, after the word "Treasurer," insert the words "shall qualify."

6th. Section 6, line 1, strike out the words "in any case wherein" and insert in lieu thereof the words "whenever during the recess of the Legislature;" line 7, after the word "sustained," strike out the remainder of the section, and insert the words "he may suspend such delinquent officer and appoint another in his place until final action be had, as herein provided. In case of such suspension, the Governor shall, within thirty days thereafter, convene the Senate, and with the advice and consent of the Senate, may remove the delinquent officer, and appoint another for the unexpired

term ; but if the Senate shall not concur in such removal, the suspended officer shall be restored.”

Respectfully submitted,

J. F. LEE,
Chairman.

Which was read,

And the amendments submitted by the Committee to the 1st, 2d, 3d, 4th and 5th Sections,

Were adopted.

On motion of Mr. Carter, (a majority of all the members elected concurring,)

The Report was opened to submit the 6th Section, as reported by the Committee, as a substantial amendment.

The amendment submitted by the Committee as a substantial amendment to the 6th Section,

Was then rejected.

Mr. Wethered moved that the Report be opened to enable him to submit the following amendment :

Strike out all after the word “office,” 9th line, until the next meeting of the Legislature.

The motion did not prevail.

Mr. Roman moved that the Report be opened to enable him to submit the following amendment :

Insert after the word “whatsoever,” in 12th line of Section 1 : The Comptroller and Treasurer first elected under this Constitution shall not enter upon the duties of their respective offices, nor receive the salary thereof until the expiration of the term of office of the present incumbent, unless the said offices shall sooner become vacant.

The motion did not prevail.

The Report of the Committee upon the Treasury Department, as amended, was then read a third time, and rejected, (for want of the concurrence of a majority of the members elected,) by yeas and nays as follows :

AFFIRMATIVE.

Messrs.	Garey,	Marbury,
Carmichael, P't.	George,	Massey,
Alvey,	Giddings,	Maulsby,
Archer,	Gill,	McCormick,
Barry,	Goldsborough, D.	McKaig,

Bell,	Hall,	McMaster,
Brooke,	Hammond,	Merrick,
Carter,	Hayden,	Morris,
Chambers,	Henderson,	Parker,
Cosgrove,	Hollyday,	Parran, John,
Cover,	Horsey, of Fred.	Pleasants,
Cunningham,	Howard,	Pole,
Dobbin,	Janvier,	Ringgold,
Dorsey,	Kennedy,	Silver,
Evans,	Kilbourn,	Starr,
Flaherty,	Lee,	Vansant,
Ford,	Longwell,	Walsh—52.
Galt,	Mackubin,	

NEGATIVE.

Messrs.	Horsey, of Som.	Peters,
Austin,	Howison,	Rennolds,
Barnes,	Hubbard,	Rider,
Brent,	Ireland,	Riggs,
Brewer, of B. City	Jamison,	Ritchie,
Brewer, of Mont.	Jones,	Roman,
Brown,	Keating,	Spates,
Buchanan,	Manro,	Stoddert,
Denson,	McPherson,	Syester,
Devries,	Merryman,	Tarr, of Caroline,
Duvall,	Mitchell,	Tarr, of Worc'r.
Emack,	Motter,	Thomas,
Ferry,	Murray,	Toadvine,
Franklin,	Nelson,	Watkins, of Car.
Hardcastle,	Nicolai,	Watkins, of M.
Hoblitzell,	Parran, Chas. S.	Wethered—49.
Hodson,	Perry,	

On motion of Mr. Mitchell,

The vote by which the Report was rejected was reconsidered.

On motion of Mr. Barry,

The Convention reconsidered the vote by which it refused to open the Report to enable Mr. Roman to submit an amendment.

On motion of Mr. Roman,

The Report was opened for amendment.

Mr. Roman then renewed the amendment proposed to be submitted by him to Section 1 ;

Pending the consideration of which,

The question recurring upon the adoption of the amendment,

Mr. Carter demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Hodson,	Rennolds,
Alvey,	Hubbard,	Rider,
Barnes,	Jamison,	Ritchie,
Bell,	Jones,	Roman,
Brent,	Keating,	Silver,
Brewer, B. city,	Massey,	Spates,
Brewer, Montg'y,	McCormick,	Starr,
Buchanan,	Merryman,	Stoddert,
Cunningham,	Mitchell,	Syester,
Denson,	Motter,	Tarr, of Caroline,
Duvall,	Murray,	Tarr, of Wor.
Emack,	Nicolai,	Thomas,
Franklin,	Page,	Toadvine,
Galt,	Parran, Chas. S.	Vansant,
Hardcastle,	Perry,	Watkins, of Car.
Hoblitzell,	Peters,	Wethered—47.

NEGATIVE.

Messrs.	Garey,	Lee,
Carmichael, P't.	George,	Longwell,
Archer,	Giddings,	Mackubin,
Austin,	Gill,	Manro,
Barry,	Goldsborough, D.	Marbury,
Brooke,	Groome,	Maulsby,
Brown,	Hall,	McKaig,
Carter,	Hammond,	McMaster,
Chambers,	Henderson,	Merrick,
Cosgrove,	Hollyday,	Morris,
Cover,	Horsey, of Fred.	Parker,
Devries,	Horsey, of S'mt.	Parran, John,
Dobbin,	Howard,	Pleasants,
Dorsey,	Howison,	Pole,
Evans,	Janvier,	Riggs,
Ferry,	Kennedy,	Ringgold,
Ford,	Kilbourn,	Walsh—50.

So the amendment submitted by Mr. Roman,

Was rejected.

On motion of Mr. Carter,

The Report was then passed, by yeas and nays as follows :

AFFIRMATIVE.

Messrs.	George,	Merrick,
Carmichael, Pr't.	Giddings,	Mitchell,
Alvey,	Gill,	Morris,
Archer,	Goldsborough, D.	Motter,
Austin,	Groome,	Murray,
Barnes,	Hall,	Nelson,
Barry,	Hammond,	Page,
Bell,	Henderson,	Parker,
Brent,	Hoblitzell,	Parran, Chas. S.
Brewer, of B. city.	Hodson,	Parran, John,
Brewer, Mont.	Hollyday,	Perry,
Brooke,	Horsey, of Fred.	Pleasants,
Brown,	Howison,	Pole,
Buchanan,	Ireland,	Rennolds,
Carter,	Jamison,	Rider,
Chambers,	Janvier,	Riggs,
Cosgrove,	Jones,	Ringgold,
Cover,	Keating,	Ritchie,
Cunningham,	Kennedy,	Roman,
Denson,	Kilbourn,	Silver,
Devries,	Lee,	Spates,
Dobbin,	Longwell,	Starr,
Dorsey,	Mackubin,	Syester,
Emack,	Manro,	Tarr, of Car.
Evans,	Marbury,	Tarr, of Wor.
Ferry,	Massey,	Thomas,
Flaherty,	Maulsby,	Toadvine,
Ford,	McCormick,	Vansant,
Franklin,	McKaig,	Walsh,
Galt,	McMaster,	Wethered—90.
Garey,		

NEGATIVE.

Messrs.	Merryman,	Peters—3.
Duvall,		

On motion of Mr. Dobbin,

The Convention then proceeded to the consideration of the Report of the Committee upon the Judiciary Department.

The question recurring upon the amendment submitted by Mr. Ritchie as a substitute for Section 27, Courts of Baltimore City,

Pending which,

Mr. Carter submitted the following amendment as a substitute for the substitute submitted by Mr. Ritchie:

Sec. 27. There shall be in the 8th Judicial Circuit, six Courts, to be styled the Supreme Bench of Baltimore City, the Superior Court of Baltimore City, the Court of Common Pleas, the Baltimore City Court, the Circuit Court of Baltimore City, and the Criminal Court of Baltimore.

Pending the consideration of which,

On motion of Mr. McKaig,

At 3 o'clock and 10 minutes, P. M., the Convention took a recess until 8 o'clock, this P. M.

EVENING SESSION, AUGUST 7, 1867.

The Convention met.

Present at the call of the roll the following members :

Messrs. Carmichael, (President,) Alvey, Archer, Austin, Barnes, Barry, Bell, Bennett, Bradley, Brent, Brewer, of Baltimore city, Brewer, of Montgomery, Brooks, Brown, Buchanan, Carter, Chambers, Cosgrove, Cover, Cunningham, Denson, Devries, Dobbin, Dorsey, Duvall, Evans, Ferry, Ford, Franklin, Galt, Garey, George, Giddings, Gill, Goldsborough, of Dorchester, Goldsborough, of Talbot, Groome, Hall, Hammond, Hardcastle, Hayden, Hoblitzell, Hodson, Hollyday, Horsey, of Frederick, Howard, Howison, Hubbard, Ireland, Jamison, Janvier, Jones, Keating, Kennedy, Lee, Longwell, Mackubin, Mauro, Marbury, Maulsby, McCormick, McKaig, McMaster, McPherson, Merrick, Merryman, Mitchell, Morris, Motter, Murray, Nelson, Nicolai, Page, Parker, Chas. S. Parran, John Parran, Peters, Pleasants, Pole, Rider, Riggs, Ringgold, Ritchie, Roman, Silver, Spates, Starr, Stoddert, Syester, Tarr, of Worcester, Thomas, Toadvine, Vansant, Walsh, Wethered.

—94.

The Convention resumed the consideration of the unfinished business of the morning session,

Being the Report of the Committee upon the Judiciary Department.

The question recurring upon the amendment submitted by

Mr. Carter, as a substitute for the substitute submitted by Mr. Ritchie, to the 27th Section of said Report.

Mr. Kennedy moved the previous question.

The question then being :

“Shall the previous question be now put?”

It was sustained.

The question then recurring upon the adoption of the substitute submitted by Mr. Carter,

Mr. Carter demanded the yeas and nays ;

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Galt,	Marbury,
Carmichael, Pre't	George,	McKaig,
Alvey,	Gill,	McMaster,
Archer,	Goldsborough, T.	Merrick,
Austin,	Groome,	Morris,
Barnes,	Hall,	Motter,
Barry,	Hammond,	Page,
Bell,	Hayden,	Parker,
Bradley,	Hollyday,	Parran, Chas. S.
Brent,	Horsey, of Fred.	Parran, John,
Brooke,	Howard,	Pleasants,
Brown,	Howison,	Pole,
Buchanan,	Ireland,	Ringgold,
Carter,	Janvier,	Silver,
Cover,	Jones,	Stoddert,
Devries,	Keating,	Syester,
Dobbin,	Kennedy,	Thomas,
Evans,	Lee,	Vasant,
Ford,	Longwell,	Walsh—58.
Franklin,	Mackubin,	

NEGATIVE.

Messrs.	Hoblitzell,	Nelson,
Brewer, of B. City	Hodson,	Nicolai,
Brewer, of Mont.	Hubbard,	Peters,
Cosgrove,	Jamison,	Rider,
Cunningham,	Maulsby,	Riggs,
Denson,	McCormick,	Ritchie,
Dorsey,	McPherson,	Roman,
Duvall,	Merryman,	Spates,
Ferry,	Mitchell,	Starr,
Garey,	Murray,	Tarr, of W—30.
Hardcastle,		

So the substitute submitted by Mr. Carter,
Was adopted.

The question then recurring upon the substitute submitted by Mr. Carter, as a substitute for the Section as reported by the Committee upon the Judiciary Department,

It was adopted.

On motion of Mr. Brewer, of Baltimore City,

At 10 o'clock and 25 minutes, P. M., the Convention adjourned.

THURSDAY, August 8, 1867.

The Convention met.

Prayer by Rev. Mr. Hammond.

Present at the call of the roll the following members :

Messrs. Carmichael, (President,) Alvey, Archer, Austin, Barnes, Barry, Bell, Bennett, Bradley, Brent, Brewer, of Baltimore City, Brewer, of Montgomery, Brooke, Brown, Buchanan, Carter, Chambers, Cosgrove, Cover, Cunningham, Denson, Devries, Dobbin, Dorsey, Duvall, Emack, Evans, Farnandis, Ferry, Finley, Flaherty, Ford, Franck, Franklin, Galt, Garey, George, Giddings, Gill, Goldsborough, of Dorchester, Goldsborough, of Talbot, Groome, Hall, Hammond, Hardcastle, Hayden, Henderson, Hoblitzell, Hodson, Hollyday, Horsey, of Frederick, Horsey, of Somerset, Howard, Howison, Hubbard, Ireland, Jamison, Janvier, Jones, Kennedy, Kilbourn, Lee, Longwell, Mackubin, Manro, Marbury, Massey, Maulsby, McCormick, McKaig, McMaster, McPherson, Merrick, Merryman, Mitchell, Morris, Motter, Murray, Nelson, Nicolai, Page, Parker, Charles S. Parran, John Parran, Peters, Pleasants, Pole, Rennolds, Rider, Riggs, Ringgold, Ritchie, Roman, Silver, Spates, Starr, Stoddert, Syester, Tarr, of Worcester, Thomas, Vansant, Wallace, Walsh, Watkins, of Caroline, Watkins, of Montgomery, Wethered. —103.

The proceedings of yesterday were read and approved.

Mr. Bradley submitted the following order :

Ordered, That it be entered on the Journal if S. J. Bradley had been present when the vote was taken, making the term of the Sheriffs two years instead of four years, he would have voted against it.

Which was adopted.

Mr. Walsh submitted the following order :

Ordered, That it be entered on the Journal that the Hon. Thomas Perry is detained from his seat in this body by sickness.

Which was adopted.

The hour having arrived for taking up the order of the day,

The Convention proceeded to the consideration of the Report of the Committee upon the Attorney-General and the State's Attorneys,

Said Report being upon a third reading ;

Pending which,

Mr. Lee, Chairman of the Committee on Revision and Compilation, submitted the following Report :

The Committee on Revision and Compilation, to which was referred the Report upon the Attorney-General and State's Attorneys, has carefully revised the same, and recommends the following amendments. The lines referred to are those in the copy of the Engrossed Report, printed under the order of the Convention of June 20th, 1867 :

1st. Section 1, lines 1, 2, 3, strike out the words, "There shall be an Attorney-General appointed and nominated by the Governor, by and with the advice and consent of the Senate," and insert, "The Governor shall nominate, and by and with the advice and consent of the Senate, appoint an Attorney-General;" same Section, line 7, after the word "or," before the word "on," insert the words, "for any of said causes;" and strike out the same words at the end of the Section.

2d. Section 2, line 21, strike out the word "provided," and insert the words, "nor shall;" same line, strike out the words "shall not."

3d. Section 4, lines 2, 3, after the word "resignation," strike out the words, "or his;" and after the word "or," strike out the words, "his conviction as hereinbefore specified," and insert, "from office, or other disqualification."

4th. Section 6, line 10, strike out the word "on," before the word "or," and insert the word "by."

5th. Section 8, lines 3, 4, 5, strike out the words, "and retain for his services, out of such fees and commissions, a sum not exceeding three thousand dollars in any one year."

6th. Section 11, line 9, strike out the word "securities," and insert the word "sureties."

Respectfully submitted,

J. F. LEE,

Chairman.

Which was read, and adopted.

The third reading of the Report was then proceeded with.

Mr. Ford moved to open the Report to enable him to submit an amendment ;

The question recurring upon sustaining the motion,

Mr. Ford demanded the yeas and nays ;

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.		
Carmichael, Pr't.	Giddings,	Merryman,
Alvey,	Goldsborough, T.	Mitchell,
Archer,	Groome,	Morris,
Austin,	Hall,	Motter,
Barnes,	Hammond,	Murray,
Bell,	Hardcastle,	Nelson,
Bennett,	Hayden,	Page,
Bradley,	Hoblitzell,	Parker,
Brent,	Hodson,	Parran, Chas. S.
Brewer, of Mont.	Horsey, of Fred.	Parran, John,
Brooke,	Horsey, of Som.	Peters,
Buchanan,	Howard,	Rennolds,
Carter,	Howison,	Rider,
Chambers,	Hubbard,	Riggs,
Cosgrove,	Ireland,	Ringgold,
Cover,	Jamison,	Ritchie,
Cunningham,	Janvier,	Silver,
Denson,	Kennedy,	Spates,
Dorsey,	Kilbourn,	Starr,
Duvall,	Lee,	Stoddert,
Emack,	Longwell,	Syester,
Evans,	Manro,	Tarr, of Wor.
Ferry,	Marbury,	Thomas,
Finley,	Massey,	Vansant,
Flaherty,	Maulsby,	Walsh,
Ford,	McCormick,	Watkins, of Car.
Franck,	McMaster,	Watkins, of Mont.
Galt,	McPherson,	
	Merrick,	

NEGATIVE.

Messrs.	Garey,	McKaig,
Brown,	George,	Pleasants,
Devries,	Gill,	Pole,
Dobbin,	Henderson,	Wallace,
Farnandis,	Mackubin,	Wethered—14.

So the motion submitted by Mr. Ford,

Was sustained,

And the Report was opened for amendment.

Mr. Ford submitted the following amendment as a substitute for Section 1 :

Sec. 1. There shall be an Attorney-General elected by the qualified voters of the State, on general ticket, on the Tuesday next after the first Monday in the month of November, 1867, and on the same day in every fourth year thereafter, who shall hold his office for four years from the first Monday of January next ensuing his election, and until his successor is elected and qualified, and shall be re-eligible thereto, and shall be subject to removal for incompetency, wilful neglect of duty, or misdemeanor in office, on conviction in a Court of Law.

Sec. 2. All elections for Attorney-General shall be certified to, and returns made thereof by the Clerks of the Circuit Courts of the several counties, and the Clerk of the Superior Court of Baltimore City, to the Governor of the State, whose duty it shall be to decide on the election and qualification of the person returned ; and in case of a tie between two or more persons, to designate which of said persons shall qualify as Attorney-General, and to administer the oath of office to the person elected ;

Which, (a majority of all the members elected concurring,)

Was adopted.

On motion of Mr. Gill,

The vote by which the substitute submitted by Mr. Ford was adopted,

Was reconsidered.

Mr. Gill submitted the following amendment to the substitute :

Strike out "from the first Monday of January next ensuing his election," and insert, "from the time of his election and qualification ;"

Which (a majority of all the members elected concurring) was adopted.

The question then recurring upon the substitute, as amended,

It was adopted.

Mr. Mackubin moved to open the Report, to enable him to submit the following amendment :

Section 2, line 1, strike out the word "three," and insert the word "two."

The question recurring upon sustaining the motion,

Mr. Mackubin demanded the yeas and nays.

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Hayden,	Parker,
Carmichael, Pr't.	Howard,	Parran, Chas. S.
Bell,	Hubbard,	Parran, John,
Bradley,	Ireland,	Pole,
Brewer, of Mont.	Jamison,	Riggs,
Buchanan,	Lee,	Starr,
Chambers,	Longwell,	Stoddert,
Cover,	Mackubin,	Syester,
Cunningham,	Manro,	Thomas,
Devries,	McCormick,	Wallace,
Emack,	McKaig,	Walsh,
Farnandis,	Morris,	Watkins, of Car.
Ferry,	Murray,	Watkins, of Mont.
Galt,	Nelson,	Wethered—43.
Hall,	Nicolai,	

NEGATIVE.

Messrs.	Franck,	Massey,
Alvey,	Garey,	Maulsby,
Archer,	George,	McMaster,
Austin,	Giddings,	Merrick,
Barnes,	Gill,	Merryman,
Bennett,	Goldsborough, T.	Mitchell,
Brooke,	Hammond,	Motter,
Brown,	Hardcastle,	Page,
Carter,	Henderson,	Peters,
Denson,	Hodson,	Pleasants,
Dobbin,	Horsey, of Fred.	Rennolds,
Dorsey,	Howison,	Rider,
Duvall,	Janvier,	Ringgold,
Evans,	Jones,	Ritchie,
Finley,	Kennedy,	Silver,
Flaherty,	Kilbourn,	Tarr, of Wor.
Ford,	Marbury,	Vansant—50.

So the motion submitted by Mr. Mackubin,
Was not sustained.

On motion of Mr. Archer,
The Report was opened for amendment.
Mr. Archer submitted the following amendment :

Sec. 8. Insert in the 8th line, after the word "city," the words "shall retain for his services out of the fees of his office the sum of four thousand dollars ;"

Which was rejected.

Mr. Mackubin moved that the Report be opened to enable him to submit the following amendment :

Sec. 8, line 8. Strike out the words "one deputy," and insert the words "not more than two deputies ;" line 9, insert after the word "annum," the word "each ;"

Decided in the negative.

On motion of Mr. Longwell,

The vote by which the Convention refused to open the Report for the purpose of submitting an amendment to Section 2, was reconsidered.

On motion of Mr. Longwell, (a majority of all the members elected concurring,)

The Report was opened for amendment.

Mr. Longwell submitted the following amendment :

Sec. 2. line 17. Strike out the words "three thousand," and insert the words "twenty-five hundred ;"

Pending the consideration of which,

Mr. Nicolai submitted the following amendment to the amendment :

Strike out the word "five," and insert the word "one ;"

Which was adopted.

The question then recurring upon the amendment, as amended,

The question being upon its adoption,

Mr. Watkins, of Montgomery, demanded the previous question.

The question then being,

"Shall the previous question be now put?"

It was not sustained.

The question recurring upon the adoption of the amendment, as amended,

Mr. McKaig demanded the yeas and nays ;

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Groome,	Murray,
Bell,	Hall,	Nicolai,
Bennett,	Hammond,	Parker,
Bradley,	Hoblitzell,	Parran, Chas. S.
Brewer, of Mont.	Hodson,	Parran, John
Carter,	Hollyday,	Pole,
Chambers,	Howard,	Riggs,
Cosgrove,	Hubbard,	Ringgold,
Cover,	Ireland,	Silver,
Cunningham,	Lee,	Starr,
Devries,	Longwell,	Stoddert,
Emack,	Manro,	Syester,
Farnandis,	McCormick,	Thomas,
Ferry,	McKaig,	Wallace,
Franklin,	McMaster,	Walsh,
Galt,	Mitchell,	Watkins, of Car.
George,	Morris,	Watkins, M—50.

NEGATIVE.

Messrs.	Ford,	Marbury,
Carmichael, Pr't.	Franck,	Massey,
Alvey,	Garey,	Maulsby,
Archer,	Giddings,	McPherson,
Austin,	Gill,	Merrick,
Barnes,	Goldsborough, T.	Merryman,
Barry,	Hardcastle,	Motter,
Brent,	Horse, of Fred.	Page,
Brooke,	Howison,	Peters,
Brown,	Jamison,	Pleasants,
Dobbin,	Janvier,	Rennolds,
Dorsey,	Jones,	Rider,
Duvall,	Kennedy,	Ritchie,
Finley,	Kilbourn,	Vasant,
Flaherty,	Mackubin,	Wethered—44.

So the amendment as amended was rejected, (for want of the concurrence of a majority of all the members elected.)

Mr. Syester moved that the Report be opened to enable him to submit the following amendment :

Sec. 2, line 17. Strike out the words "three thousand," and insert the words "twenty-four hundred."

Decided in the negative.

The Report of the Committee upon the Attorney-General and State's Attorneys, was then read a third time, as amended, and,

On motion of Mr. Carter,

Passed by yeas and nays as follows :

AFFIRMATIVE.

Messrs.	George,	McMaster,
Carmichael, Pr't.	Giddings,	McPherson,
Alvey,	Gill,	Merrick,
Archer,	Goldsborough, D.	Merryman,
Austin,	Goldsborough, T.	Mitchell,
Barnes,	Hall,	Motter,
Bennett,	Hammond,	Murray,
Bradley,	Hardcastle,	Nelson,
Brent,	Henderson,	Page,
Brooke,	Hodson,	Parran, Chas. S.
Brown,	Hollyday,	Peters,
Carter,	Horse, of Fred'k	Pleasants,
Chambers,	Howard,	Rennolds,
Devries,	Howison,	Rider,
Dobbin,	Hubbard,	Riggs,
Dorsey,	Ireland,	Ringgold,
Duvall,	Jamison,	Silver,
Evans,	Janvier,	Tarr, of Wor.
Farnandis,	Jones,	Thomas,
Ferry,	Kennedy,	Vansant,
Finley,	Kilbourn,	Wallace,
Flaherty,	Longwell,	Walsh,
Ford,	Marbury,	Watkins, Car.
Franck,	Massey,	Watkins, of Mont.
Franklin,	Maulsby,	Wethered—76.
Garey,	McCormick,	

NEGATIVE.

Messrs.	Groome,	Nicolai,
Bell,	Hoblitzell,	Parker,
Brewer, of Mont.	Horse, of Som.	Parran, John
Cosgrove,	Lee,	Pole,
Cover,	Manro,	Starr,
Cunningham,	McKaig,	Stoddert,
Emack,	Morris,	Syester—21.
Galt,		

The Convention then resumed the consideration of the unfinished business of yesterday,

Being the Report of the Committee upon the Judiciary Department,

The question recurring upon the 28th Section of said Report;

Pending which,

Mr. Carter submitted the following amendment as a substitute for the whole Section :

Sec. 28. The Superior Court of Baltimore City, the Court of Common Pleas, and the Baltimore City Court, shall each have concurrent jurisdiction in all civil common law cases, and concurrently all the jurisdiction which the Superior Court of Baltimore City and the Court of Common Pleas now have, except jurisdiction in Equity, and in applications for the benefit of the insolvent laws of Maryland, and cases of appeal from judgments of Justices of the Peace in said City, whether civil or criminal, or arising under the ordinances of the Mayor and City Council of Baltimore, of all of which appeal cases the City Court shall have exclusive jurisdiction; and the said Court of Common Pleas shall have exclusive jurisdiction in all applications for the benefit of the insolvent laws of Maryland, and the supervision and control of the trustees thereof;

Pending the consideration of which,

Mr. Peters moved a call of the House;

Which was sustained.

Upon the call of the roll the following members responded to their names :

Messrs. Carmichael, (President,) Alvey, Archer, Austin, Barnes, Bell, Brent, Brewer, of Baltimore City, Brewer, of Montgomery, Brooke, Brown, Buchanan, Carter, Chambers, Cosgrove, Cover, Cunningham, Denson, Devries, Dobbin, Dorsey, Duvall, Emack, Evans, Farnandis, Ferry, Finley, Flaherty, Ford, Franck, Franklin, Gal, Garey, George, Giddings, Gill, Goldsborough, of Dorchester, Goldsborough, of Talbot, Hall, Hammond, Hardecastle, Hayden, Henderson, Hoblitzell, Hodson, Hollyday, Horsey, of Frederick, Horsey, of Somerset, Howard, Howison, Hubbard, Ireland, Jamison, Janvier, Jones, Kilbourn, Longwell, Manro, Marbury, Massey, Maulsby, McCormick, McMaster, McPherson, Merrick, Merryman, Mitchell, Morris, Motter, Murray, Nicolai, Parker, Chas. S. Parran, John Parran, Peters, Pleasants, Pole, Rennolds, Rider, Riggs, Ringgold, Ritchie, Silver, Starr, Stoddert, Syester, Tarr, of Worcester, Thomas, Vasant, Wallace, Walsh, Watkins, of Caroline, Watkins, of Montgomery—92.

On motion of Mr. Carter,

All further proceedings under the call were dispensed with.

The question then recurring upon the adoption of the amendment submitted by Mr. Carter,

It was adopted.

The Section, as amended, was then read.

Pending the consideration of Section 29,

Mr. Carter submitted the following amendment as a substitute for the whole Section :

Sec. 29. The Circuit Court of Baltimore City shall have exclusive jurisdiction in Equity within the limits of said City, and all such jurisdiction as the present Circuit Court of Baltimore City has, provided the said Court shall not have jurisdiction in application for the writ of *habeas corpus* in cases of persons charged with criminal offences ;

Which was adopted.

The Section, as amended, was then read.

Pending the reading of Section 30,

Mr. Carter submitted the following amendment :

Section 30. The Criminal Court of Baltimore shall have and exercise all the jurisdiction now held and exercised by the Criminal Court of Baltimore, except in such appeal cases as are herein assigned to the Baltimore City Court ;

Which was adopted.

Pending the reading of Section 31,

Mr. Carter submitted the following amendment as a substitute for the whole Section :

Sec. 31. There shall be elected by the legal and qualified voters of said city, at the election hereinbefore provided for, one Chief Judge and four Associate Judges, who, together, shall constitute the Supreme Bench of Baltimore City, and shall hold their offices for the term of fifteen years, subject to the provisions of this Constitution with regard to the election and qualification of Judges, and their removal from office, and shall exercise the jurisdiction hereinafter specified, and shall each receive an annual salary of ———, payable quarterly, which shall not be diminished during their term of office.

The question recurring upon its adoption,

On motion of Mr. Vansant,

The blank was filled with the words "four thousand dollars."

The substitute, as amended,

Was then adopted.

Pending the reading of Section 32,

Mr. Carter submitted the following amendment as a substitute for the whole Section :

Sec. 32. It shall be the duty of the said Supreme Bench of Baltimore City, as soon as the Judges thereof shall be elected and duly qualified, and from time to time, to provide for the holding of each of the aforesaid Courts, by the assignment of one or more of their number to each of the said Courts, who may sit either separately or together in the trial of cases, and the said Supreme Bench of Baltimore City, may from time to time, change the said assignment, as circumstances may require, and the public interests may demand ; and the Judge or Judges so assigned to the said several Courts, shall, when holding the same, have all the powers, and exercise all the jurisdiction which may belong to the Court so being held ; and it shall also be the duty of the said Supreme Bench of Baltimore City, in case of the sickness, absence or disability of any Judge or Judges assigned, as aforesaid, to provide for the hearing of the cases, as transaction of the business assigned to said Judge or Judges, as aforesaid, before some one or more of the Judges of said Court ;

Which was adopted.

Pending the reading of Section 33,

Mr. Carter submitted the following amendment as a substitute for the whole Section :

Sec. 33. The said Supreme Bench of Baltimore City shall have power, and it shall be its duty to provide for the holding of as many general terms as the performance of its duties may require, such general terms to be held by not less than three Judges ; to make all needful rules and regulations for the conduct of business in each of the said Courts, during the session thereof and in vacation, or in Chambers, before any of said Judges ; and shall also have jurisdiction to hear and determine all motions for a new trial in cases tried in any of said Courts, where such motions arise either on questions of fact, or for misdirection upon any matters of law, and all motions in arrest of judgment or upon any matters of law determined by the said Judge or Judges, while holding said several Courts ; and the said Supreme Bench of Baltimore City shall make all needful rules and

regulations for the hearing before it of all of said matters ; and the same right of appeal to the Court of Appeals shall be allowed from the determination of the said Court on such matters, as would have been the right of the parties if said matters had been decided by the Court in which said cases were tried ;

Which was adopted.

Pending the reading of Section 34,

Mr. Carter submitted the following amendment as a substitute for the whole Section :

Sec. 34. No appeal shall lie to the Supreme Bench of Baltimore City from the decision of the Judge or Judges holding the Baltimore City Court, in cases of appeal from a Justice of the Peace, but the decision by said Judge or Judges, shall be final. And all writs and other process issued out of either of said Courts, requiring attestation, shall be attested in the name of the Chief Judge of the said Supreme Bench of Baltimore City ;

Which was adopted.

Pending the reading of Section 35,

Mr. Carter submitted the following amendment as a substitute for the whole Section :

Sec. 35. Three of the Judges of the said Supreme Bench of Baltimore City shall constitute a quorum of said Court ;

Which was adopted.

Pending the reading of Section 36,

Mr. Carter submitted the following amendment as a substitute for the whole Section :

Sec. 36. All causes depending at the adoption of this Constitution, in the Superior Court of Baltimore City, the Court of Common Pleas, the Criminal Court of Baltimore, and the Circuit Court of Baltimore, shall be proceeded in and prosecuted to final judgment or decree, in the Courts respectively of the same name established by this Constitution, except cases belonging to that class, jurisdiction over which is by this Constitution transferred to the Baltimore City Courts, all of which shall, together with all cases now pending in the said Baltimore City Court, be proceeded in and prosecuted to final judgment in said last mentioned Court ;

Which was adopted.

Pending the reading of Section 37,

Mr. Carter submitted the following amendment as a substitute for the whole Section :

Sec. 37. There shall be a clerk of each of the said Courts of Baltimore City, except the Supreme Bench, who shall be elected by the legal and qualified voters of said city, at the election for Judges hereinbefore provided, and shall hold his office for six years from the time of his election, and until his successor is elected and qualified, and be re-eligible thereto, subject to be removed for wilful neglect of duty, or other misdemeanor in office, on conviction in a Court of law. The salary of each of the said clerks shall be the amount hereinbefore provided, payable quarterly out of the fees and receipts collected by the clerks of said city, and they shall be entitled to no other perquisites or compensation. In case of a vacancy in the office of clerk of any of the said Courts, the Judges of said Supreme Bench of Baltimore City shall have power to fill such vacancy, until the general election of Delegates to the General Assembly, to be held next thereafter, when a clerk of said Court shall be elected to serve for six years thereafter ;

Which was adopted.

Mr. Carter submitted the following amendment as an additional Section, to be inserted as Section 38 :

Sec. 38. The Clerk of the Court of Common Pleas shall have authority to issue within said city, all marriage and other licenses required by law, subject to such provisions as are now or may be prescribed by law. The Clerk of the Superior Court of said city shall receive and record all Deeds, Conveyances, and other papers, which are or may be required by law, to be recorded in said city. He shall also have custody of all papers connected with the proceedings on the Law or Equity side of Baltimore County Court, and of the Dockets thereof, so far as the same have relation to the City of Baltimore ; and shall also discharge the duties of Clerk to the Supreme Bench of Baltimore City, unless otherwise provided by law ;

Which was adopted.

Mr. Carter submitted the following amendment, to be inserted as Section 39 :

Sec. 39. The General Assembly shall, whenever it may think the same proper and expedient, provide by law another Court for the City of Baltimore, and prescribe its jurisdiction and powers ; in which case there shall be elected by the voters of said city, qualified under this Constitution, another Judge of the Supreme Bench of Baltimore City, who shall be subject to the same constitutional provisions, hold his office for the same term of years, receive the same compensation, and have the same powers as is herein provided for the Judges of said Supreme Bench of Baltimore City ; and all of the pro-

visions of this Constitution relating to the assignment of Judges to the Courts now existing in said city, and for the dispatch of business therein, shall apply to the Court for whose creation provision is made by this Section. And the General Assembly may reapportion the jurisdiction among the several Courts in Baltimore City, and may change and enlarge the same, from time to time, as in its judgment the public interest and convenience may require ;

Which was adopted.

Mr. Carter submitted the following amendment, to be inserted as Section 40 :

Sec. 40. Until otherwise provided by law, the Clerk of the Superior Court of Baltimore City, of the Court of Common Pleas, of the Circuit Court of Baltimore, of the Baltimore City Court, and of the Criminal Court of Baltimore, shall each give bond in such penalty as is now prescribed by law for to be given by the Clerks of the Courts bearing the same names under the present Constitution ;

Which was adopted.

Mr. Wethered moved to reconsider the vote by which Section 19, Part III, Circuit Courts, was ordered to a second reading ;

Pending the consideration of which,

The question recurring upon sustaining the motion,

Mr. Horsey, of Frederick, moved the previous question ;

The question then being,

“ Shall the previous question be now put ; ”

It was sustained.

The question then recurring upon sustaining the motion submitted by Mr. Wethered,

Mr. Nicolai demanded the yeas and nays ;

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Giddings,	Mitchell,
Barnes,	Goldsborough, D.	Parran, Chas. S.
Barry,	Hall,	Parran, John
Bell,	Hammond,	Peters,
Bradley,	Hollyday,	Rennolds,
Brent,	Horsey, of Fred'k	Rider,
Brewer, Balt.city,	Horsey, of Som.	Riggs,

Brewer, of Mont.	Howison,	Ritchie,
Brooke,	Ireland,	Silver,
Carter,	Jamison,	Starr,
Cosgrove,	Jones,	Stoddert,
Denson,	Kennedy,	Tarr, of Worces'r,
Duvall,	Lee,	Thomas,
Emack,	Marbury,	Vansant,
Ferry,	Massey,	Watkins, of Car.
Ford,	McPherson,	Wethered—48.
George,		

NEGATIVE.

Messrs.	Finley,	Maulsby,
Carmichael, Pr't.	Franklin,	McCormick,
Alvey,	Galt,	McKaig,
Archer,	Garey,	McMaster,
Austin,	Gill,	Merrick,
Bennett,	Goldsborough, T.	Morris,
Brown,	Hardcastle,	Motter,
Buchanan,	Hayden,	Murray,
Chambers,	Henderson,	Nicolai,
Cover,	Hoblitzell,	Parker,
Cunningham,	Howard,	Pleasants,
Devries,	Janvier,	Pole,
Dobbin,	Kilbourn,	Ringgold,
Dorsey,	Longwell,	Syester,
Evans,	Mackubin,	Wallace,
Farnandis,	Manro,	Walsh—47.

So the motion to reconsider was sustained.

Mr. Wethered submitted the following amendment :

Sec. 19. Strike out the word "and," in the 7th line, and insert after the words "Anne Arundel," the words "and Calvert," in the same line ; and strike out the word "Calvert," in the 8th and 9th lines ;

Pending the consideration of which,

Mr. Mackubin submitted the following as a substitute :

Sec. 19. The counties of Washington and Allegany, shall constitute the First Circuit ; Frederick, Howard and Montgomery counties, the Second ; Baltimore and Carroll counties, the Third Circuit ; Anne Arundel, Prince George's, Calvert, Charles and St. Mary's, the Fourth Circuit ; Harford, Cecil, Kent, Queen Anne's and Talbot counties, the Fifth Circuit ; Caroline, Dorchester, Somerset and Worcester counties, the Sixth Circuit, and Baltimore City, the Seventh Circuit.

The question recurring upon the adoption of the substitute,

Mr. Brewer, of Baltimore City, moved the previous question ;

The question then being,

“Shall the previous question be sustained?”

It was sustained.

The question then recurring upon the adoption of the substitute,

Mr. Mackubin demanded the yeas and nays ;

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Groome,	Murray,
Carmichael, Pr't.	Hayden,	Nicolai,
Bell,	Hoblitzell,	Parker,
Bennett,	Howard,	Parran, Chas. S.
Brewer, of Mont.	Kennedy,	Pole,
Chambers,	Longwell,	Riggs,
Cosgrove,	Mackubin,	Starr,
Cunningham,	Manro,	Stoddert,
Devries,	Massey,	Syester,
Duvall,	McMaster,	Walsh,
Emack,	Merrick,	Watkins, of Mont.
Finley,	Morris,	—35.
Galt,		

NEGATIVE.

Messrs.	Franklin,	Maulsby,
Alvey,	Garey,	McCormick,
Archer,	Giddings,	McKaig,
Austin,	Gill,	McPherson,
Barnes,	Goldsborough, D.	Mitchell,
Barry,	Goldsborough, T.	Motter,
Bradley,	Hall,	Parran, John
Brent,	Hammond,	Peters,
Brewer, of B. city,	Hardcastle,	Pleasants,
Brooke,	Henderson,	Rennolds,
Buchanan,	Hodson,	Rider,
Carter,	Hollyday,	Ringgold,
Denson,	Horse, of Fred.	Ritchie,
Dobbin,	Howison,	Silver,
Dorsey,	Ireland,	Tarr, of Wor.
Evans,	Jamison,	Thomas,
Farnandis,	Janvier,	Vansant,
Ferry,	Jones,	Wallace,
Ford,	Kilbourn,	Watkins, of Car.
Franck,	Marbury,	Wethered—59.

So the substitute submitted by Mr. Mackubin,
Was rejected.

The question then recurring upon the amendment submitted by Mr. Wethered,

The question being upon its adoption,

Mr. Wethered demanded the yeas and nays.

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.		
Archer,	Franck,	McPherson,
Barnes,	Garey,	Mitchell,
Bradley,	Giddings,	Parran, Chas. S.
Brent,	Goldsborough, D.	Parran, John,
Brewer, B. city,	Groome,	Peters,
Brewer, of Mont.	Hall,	Rennolds,
Brooke,	Hardcastle,	Rider,
Carter,	Hollyday,	Riggs,
Denson,	Horsey, of Fred.	Ritchie,
Duwell,	Horsey, of Som.	Silver,
Emack,	Howison,	Thomas,
Evans,	Ireland,	Vansant,
Ferry,	Jamison,	Watkins, of Car.
Fleaherty,	Jones,	Watkins, of Mont.
Ferd,	Marbury,	Wethered—46.
	Massey,	

NEGATIVE.

Messrs.		
Armichael, Pr't.	Franklin,	Maulsby,
Alvey,	Galt,	McCormick,
Austin,	Gill,	McMaster,
Barry,	Goldsborough, T.	Merrick,
Bell,	Hammond,	Morris,
Bennett,	Hayden,	Motter,
Buchanan,	Henderson,	Murray,
Chambers,	Hoblitzell,	Nicolai,
Cosgrove,	Hodson,	Parker,
Cover,	Howard,	Pleasants,
Cunningham,	Janvier,	Pole,
Devries,	Kennedy,	Ringgold,
Dobbin,	Kilbourn,	Starr,
Dorsey,	Longwell,	Syester,
Farnandis,	Manro,	Wallace,
Finley,	Mackubin,	Walsh—48.

So the amendment submitted by Mr. Wethered,
Was rejected.

The Report of the Committee upon the Judiciary Department, as amended,

Was then read a second time, and,

On motion of Mr. Carter,

Ordered to be engrossed for a third reading.

On motion of Mr. Howard,

At 3 o'clock and 5 minutes P. M., the Convention took a recess until 8 o'clock this P. M.

EVENING SESSION, AUGUST 8, 1867.

The Convention met.

Present at the call of the roll the following members:

Messrs. Carmichael, (President,) Alvey, Archer, Austin, Barry, Bell, Bennett, Bradley, Brewer, of Baltimore City, Brewer, of Montgomery, Brooke, Buchanan, Carter, Chambers, Cosgrove, Cover, Cunningham, Denson, Dent, Devries, Dorsey, Duvall, Evans, Farnandis, Finley, Ford, Franklin, Galt, Giddings, Gill, Goldsborough, of Dorchester, Goldsborough, of Talbot, Hall, Hammond, Hardecastle, Hoblitzell, Hodson, Hollyday, Horsey, of Frederick, Howard, Howison, Hubbard, Ireland, Jamison, Janvier, Jones, Kennedy, Lee, Longwell, Mackubin, Manro, Marbury, Massey, Maulsby, McCormick, McKaig, McMaster, Merrick, Mitchell, Morriss, Motter, Murray, Nelson, Parker, Charles S. Parran, John Parran, Peters, Pleasants, Pole, Rider, Riggs, Ringgold, Ritchie, Roman, Spates, Starr, Stoddert, Syester, Tarr, of Worcester, Thomas, Vansant, Walsh, Watkins, of Montgomery. Wethered, Wickes—85.

On motion of Mr. Carter,

The vote by which the Report of the Committee upon the Judiciary Department was ordered to be engrossed for a third reading,

Was reconsidered.

(By unanimous consent) Mr. Carter withdrew his motion to engross the Report for a third reading.

The question then recurring upon engrossing the Report,

On motion of Mr. Horsey, of Frederick,

The further consideration of the Report was postponed, and made the special order of the day for to-morrow (Friday), at 12 o'clock M.

The Convention then proceeded to the consideration of the Report of the Committee upon Public Works and Corporations, said Report being upon a second reading ;

Pending which,

On motion of Mr. Alvey,

The further consideration of the Report was postponed,

And the Convention proceeded to the consideration of the Report of the Committee to whom was referred all such parts of the present Constitution as had not been referred to any other Committee, said Report being upon a second reading ;

Pending which,

Mr. Hollyday submitted the following amendment :

Section 1, line 19, after the word "requisition," insert the words, "for the period of thirty days ;"

Pending the consideration of which,

Mr. Hammond submitted the following amendment as a substitute for the amendment submitted by Mr. Hollyday :

Section 1, line 19, after the word "requisition," insert the words, "for the period of thirty days after the expiration of each and every year of his office ;"

Which was adopted.

The question then recurring upon the adoption of the substitute, as an amendment to Section 1,

It was adopted.

Mr. Carter submitted the following amendment :

Strike out, in line 20, the word "this," and insert the word "the," and add the letter "s" to the word "requisition ;" in line 20, insert after the word "requisitions" the words "of this Section."

Which was adopted.

Mr. Gill submitted the following amendment :

Sec. 1, line 7. After the word "duties," insert the words "or in any way growing out of, or connected with his office."

Which was adopted.

Mr. Syester submitted the following amendment :

Sec. 1, line 2. After the word "State," insert the words "except Justices of the Peace and Constables."

Which was adopted.

Mr. Walsh submitted the following amendment :

Sec. 1. Insert after the word "office," in line 21, the following words : "and the Governor shall declare the same vacant, and the vacancy therein shall be filled as in case of a vacancy for any other cause."

Which was adopted.

The Section, as amended, was then read.

Section 2 was then read.

Pending the reading of Section 3,

On motion of Mr. Gill,

The further consideration of Section 3 was informally postponed.

Sections 4, 5, 6, 7 and 8 were then read.

Mr. Carter submitted the following amendment to be inserted as Section 9 :

Sec. 9. The term of office of all Judges and other officers for whose appointment or election provision is made by this Constitution, shall, except in cases otherwise expressly provided herein, commence from the time of their election or appointment, and all such officers shall qualify as soon after their election or appointment as practicable, and shall enter upon the duties of their respective offices immediately upon their qualification.

Which was adopted.

Pending the reading of that part of the Report, title, "Vote on the Constitution,"

Mr. Syester submitted the following amendment :

Line 13. After the word "written," insert the words "or printed."

Which was adopted.

Mr. Jones submitted the following amendment :

"Fill the first blank in line 10 with the words, "Wednesday, eighteenth September.

Mr. Mitchell submitted the following amendment :

Fill the blank in line 10 with the words, "Wednesday, twenty-fifth September."

Mr. Wethered submitted the following amendment :

Fill the blanks in line 10 with the words, "the first Tuesday after the first Monday in November next."

Which was rejected.

The question then recurring upon the amendment submitted by Mr. Mitchell,

It was adopted.

Mr. Jones submitted the following amendment :

Fill the blanks in line 32 with the words, "Thursday, tenth October."

Pending which,

On motion of Mr. Carter,

The further consideration of this part of the Report, title, "Vote on the Constitution," was postponed until to-morrow, Friday.

On motion of Mr. Carter,

The Convention then proceeded to the consideration of the Resolution providing for the Publication of the Constitution in the newspapers of the State ;

Pending which,

On motion of Mr. Carter,

The Resolution was laid on the table.

The Convention then resumed the consideration of the Report of the Committee to whom was referred all such parts of the present Constitution as had not been referred to any other Committee.

The question recurring upon that part of the Report, title, Article—New Counties,

Mr. McKaig submitted the following amendment :

Strike out all of the section down to the word "nor," in the 5th line, and insert as follows : "The General Assembly may provide for organizing new counties, locating and removing county seats, and changing county lines, but no new county shall be organized without the consent of the majority of the legal voters residing within the limits of the county or counties, out of which the new county is to be formed ;

The question recurring upon its adoption ;

Mr. Roman demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Franklin,	Lee,
Carmichael, Prt.	Gill,	McCormick,
Alvey,	Goldsborough, D.	McKaig,
Archer,	Goldsborough, T.	McMaster,
Bell,	Hodson,	Murray,
Buchanan,	Hollyday,	Page,
Cunningham,	Howard,	Parker,
Evans,	Jones,	Pleasants,
Farnandis,	Kennedy,	Ringgold—26.

NEGATIVE.

Messrs.	Giddings,	Merrick,
Austin,	Groome,	Mitchell,
Bennett,	Hall,	Morris,
Bradley,	Hammond,	Nelson,
Brewer, of B. city.	Hardcastle,	Parran, Chas. S.
Brewer, of Mont.	Hoblitzell,	Parran, John,
Brooke,	Horse, of Fred.	Pole,
Carter,	Hubbard,	Rider,
Cosgrove,	Ireland,	Riggs,
Cover,	Jamison,	Roman,
Denson,	Janvier,	Spates,
Dent,	Longwell,	Stoddert,
Devries,	Mackubin,	Syster,
Dorsey,	Manro,	Tarr, of Wor.
Duvall,	Marbury,	Thomas,
Finley,	Massey,	Vansant,
Ford,	Maulsby,	Walsh—51.
Galt,		

So the amendment submitted by Mr. McKaig, was rejected.

Mr. Jones submitted the following amendment :

After the word "county," in 5th line, "and whenever a new county shall be proposed to be formed out of portions of two or more counties, the consent of a majority of the legal voters of such part of each of said counties, respectively, shall be required ;"

Which was adopted.

On motion of Mr. Gill,

At 10 o'clock and 45 minutes, P. M., the Convention adjourned.

FRIDAY, August 9, 1867.

The Convention met.

Prayer by Rev. Mr. Hammond.

Present at the call of the roll the following members :

Messrs. Carmichael, (President,) Alvey, Archer, Austin, Barry, Bell, Bennett, Bradley, Brent, Brewer, of Baltimore City, Brewer, of Montgomery, Brooke, Buchanan, Carter, Chambers, Cosgrove, Cover, Cunningham, Denson, Dent, Devries, Dobbin, Dorsey, Duvall, Emack, Evans, Farnandis, Ferry, Finley, Flaherty, Ford, Franck, Franklin, Galt, Garey, George, Giddings, Gill, Goldsborough, of Dorchester, Goldsborough, of Talbot, Groome, Hall, Hammond, Hardcastle, Henderson, Hoblitzell, Hodson, Hollyday, Horsey, of Frederick, Horsey, of Somerset, Howard, Howison, Hubbard, Ireland, Jamison, Janvier, Johnson, Jones, Kennedy, Lee, Longwell, Mackubin, Manro, Marbury, Massey, Maulsby, McCormick, McKaig, McMaster, Merrick, Mitchell, Morris, Motter, Nelson, Nicolai, Page, Parker, Charles S. Parran, John Parran, Peters, Pleasants, Pole, Rennolds, Rider, Riggs, Ringgold, Ritchie, Roman, Silver, Spates, Starr, Stoddert, Syester, Tarr, of Worcester, Vansant, Wallace, Walsh, Watkins, of Caroline, Watkins, of Montgomery, Wethered, Whitman, Wickes—100.

The proceedings of yesterday were read and approved.

Mr. Emack submitted the following order :

Ordered, That it be entered on the Journal of this day, that Elbert G. Emack is necessarily obliged to be absent from the evening sessions of the Convention, in consequence of sickness in his family ;

Which was adopted.

The Convention then resumed the consideration of the unfinished business of yesterday evening's session,

Being the Report of the Committee to whom was referred all such parts of the Constitution as had not been referred to any other Committee.

The question recurring upon the Article, New Counties,

Pending which Mr. Dent submitted the following amendment :

In Article, New Counties, strike out the word "white" wherever it occurs.

Pending the consideration of which,

On motion of Mr. Hall,

The rules were suspended, (two-thirds of all the members present concurring,) when

Mr. Hall submitted the following order :

Ordered, That the Committee on the Legislative Department report to the Convention the expediency of abolishing the office of "State Pension Commissioners," created by the act of 1867, chapter 385, and of prohibiting the Legislature from establishing any general pension system in this State.

Pending the consideration of which,

The hour having arrived for taking up the special order of the day,

Being the Reports entitled to a third reading,

On motion of Mr. Giddings,

The further consideration of the order of the day was informally postponed.

The Convention then resumed the consideration of the order submitted by Mr. Hall.

The question being upon its adoption,

Mr. Denson demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

Messrs.	Galt,	McCormick,
Alvey,	Giddings,	McKaig,
Archer,	Goldsborough, D.	McMaster,
Austin,	Goldsborough, T.	Merrick,
Bell,	Hall,	Mitchell,
Bennett,	Hardcastle,	Morris,
Bradley,	Hayden,	Motter,
Brewer, of Mont.	Hodson,	Nelson,
Brooke,	Hollyday,	Page,
Brown,	Horse, of Fred.	Parker,
Buchanan,	Horse, of Som't.	Parran, Chas. S.
Carter,	Howard,	Parran, John,
Chambers,	Howison,	Rider,
Cunningham,	Hubbard,	Riggs,
Devries,	Ireland,	Ringgold,
Dobbin,	Janvier,	Silver,

Dorsey,	Johnson,	Spates,
Duvall,	Jones,	Starr,
Emack,	Kennedy,	Syester,
Evans,	Lee,	Tarr, Worc'r.
Farnandis,	Longwell,	Wallace,
Ferry,	Mackubin,	Walsh,
Finley,	Manro,	Watkins, of Mont.
Ford,	Marbury,	Wethered,
Franck,	Massey,	Wickes—76.
Franklin,	Maulsby,	

NEGATIVE.

Messrs.	Garey,	Pole,
Barnes,	George,	Rennolds,
Brent,	Gill,	Ritchie,
Cosgrove,	Hammond,	Stoddert,
Cover,	Henderson,	Vansant,
Denson,	Peters,	Watkins, of C.
Dent,	Pleasants,	Whitman—21.
Flaherty,		

So the order was adopted.

On motion of Mr. Lee,

The Convention then resumed the consideration of the order of the day,

Being the Reports of the Committee upon a Proper Basis of Representation in the two Houses of the General Assembly, and a Proper Apportionment of Representatives in the same, and the Report of the Committee upon the Legislative Department.

Pending which,

On motion of Mr. Carter,

The Reports were opened for amendment by the Committee upon Revision and Compilation.

Mr. Lee, Chairman of the Committee upon Revision and Compilation submitted the following

REPORT:

The Committee on Revision and Compilation, to which the Engrossed Report of the Committee upon a Proper Basis of Representation in the two Houses of the General Assembly, and a proper Apportionment of Representatives in the same, and the Engrossed Report of the Committee upon the Legislative Department were severally referred, has carefully revised the said Reports, and recommends that they be united under the title *Legislative Department*, with the fol-

lowing Amendments. The lines and Sections referred to are those of the copies of the Engrossed Reports printed under the order of the Convention of June 20th, 1867 :

1. 1st Section, 2d line, Legislative Department, strike out the word "which," and insert the word "and."

2. Insert as the 2d Section the following: "Each county in the State, and each of the Legislative Districts of Baltimore city, as they are now, or may hereafter be defined, shall be entitled to one Senator, who shall be elected by the qualified voters of the counties, and of the Legislative Districts of Baltimore city, respectively, and shall serve for four years from the day of his election, subject to the classification of Senators hereinafter provided for.

3. Strike out Section 1, from the Report upon a Proper Basis of Representation in the two Houses of the General Assembly, &c., and insert Sections 2, 3 and 4 as proposed to be amended, of same Report as Sections 3, 4 and 5 in the Report upon the Legislative Department.

4. Number Section 2, in the Report upon the Legislative Department, Section 6, and number the subsequent Sections of the same Report in numerical order down to Section 48, which transpose and number 56; number Sections 49, 50, 51, 52 as Sections 52, 53, 54, 55.

5. Section 9, line 9, Engrossed Report upon the Legislative Department. After the word "election" strike out to the word "termination," in line 13, inclusive, and insert the words, "and if during the recess of the Legislature, and more than ten days before its termination, such death shall occur, or such resignation, refusal to act, or disqualification be communicated in writing to the Governor by the person so resigning, refusing, or disqualified."

6. Section 21, line 2, (same Engrossed Report.) After the word "nor," insert the word "adjourn."

Respectfully submitted,

J. F. LEE,

Chairman.

Which was adopted.

Mr. Lee also submitted the following Report :

The Committee on Revision and Compilation, to which was referred the Engrossed Report upon the Rate of Interest and the Usury Laws of this State, has carefully considered the same, and reports that the Section, as passed to a third reading, leaves the Statute Law and the power of the Legislature as they would be if it be omitted. It would, there-

fore, be useless and of no effect ; and the Committee recommends that it be now rejected.

Respectfully submitted,

J. F. LEE,

Chairman.

Which was read.

On motion of Mr. Carter,

The Report of the Committee upon the Legislative Department was opened for amendment, to consider Section 57, viz :

The legal rate of interest shall be six per cent. per annum, unless otherwise provided by the General Assembly.

The time having arrived for taking up the special order of the day,

The Convention proceeded to the consideration of the Report of the Committee upon the Judiciary Department ;

Pending which,

On motion of Mr. Lee,

The further consideration of the special order of the day was informally postponed.

The Convention then resumed the consideration of Section 57 of the Report of the Committee upon the Legislative Department ;

Pending which,

Mr. Carter moved to concur in the recommendation of the Committee to strike out Section 57.

The question being upon concurring in the motion,

Mr. Carter moved the previous question.

The question then being,

“ Shall the previous question be now put ? ”

It was sustained.

The question then being upon concurring in the motion to strike out,

Mr. Dent demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Farnandis,	Merrick,
Carmichael, Pr't.	George,	Mitchell,
Archer,	Gill,	Motter,
Brown,	Howard,	Nicolai,
Carter,	Howison,	Pleasants,
Chambers,	Lee,	Ringgold,
Cunningham,	Mackubin,	Roman,
Denson,	Marbury,	Stoddert,
Dobbin,	McCormick,	Wickes—26.

NEGATIVE.

Messrs.	Franklin,	Massey,
Alvey,	Galt,	Maulsby,
Austin,	Garey,	McKaig,
Barnes,	Giddings,	McMaster,
Bell,	Goldsborough, D.	Morris,
Bennett,	Goldsborough, T.	Nelson,
Bradley,	Hall,	Parker,
Brent,	Hammond,	Parran, Chas. S.
Brewer, B. city.	Hardcastle,	Parran, John,
Brewer, of Mont.	Hayden,	Peters,
Brooke,	Henderson,	Pole,
Buchanan,	Hoblitzell,	Rennolds,
Cosgrove,	Hodson,	Rider,
Cover,	Hollyday,	Riggs,
Dent,	Horse, of Fred.	Silver,
Devries,	Horse, of Som.	Starr,
Dorsey,	Hubbard,	Syester,
Duvall,	Ireland,	Tarr, of Worc'r.
Emack,	Jamison,	Vansant,
Evans,	Janvier,	Wallace,
Ferry,	Johnson,	Walsh,
Finley,	Jones,	Watkins, of Car.
Flaherty,	Kennedy,	Watkins, of M.
Ford,	Longwell,	Whitman—73.
Franck,	Manro,	

So the recommendation of the Committee was not concurred in, and the motion to strike out did not prevail.

Mr. Marbury moved that the Report of the Committee upon the Legislative Department be opened for amendment, for the purpose of moving to strike out Section 37 of said Report, viz :

Sec. 37. The General Assembly shall pass no laws providing for payment, by this State, for slaves emancipated from servitude in this State ; but shall adopt such measures as they may deem expedient to obtain from the United States,

compensation for such slaves, and to receive and distribute the same equitably, to the persons entitled ;

The question being upon concurring in the motion ;

Mr. Brent demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Goldsborough, T.	Mitchell,
Austin,	Hall,	Parran, Chas. S.
Bradley,	Hammond,	Parran, John,
Brent,	Hodson,	Peters,
Brewer, of Mont.	Hollyday,	Rennolds,
Brooke,	Hubbard,	Rider,
Cover,	Ireland,	Riggs,
Dent,	Jamison,	Stoddert,
Duvall,	Lee,	Syester,
Emack,	Marbury,	Tarr, of Wor.
Ford,	Massey,	Watkins, M—33.
Giddings,		

NEGATIVE.

Messrs.	Flaherty,	McCormick,
Carmichael, P't.	Franck,	McMaster,
Alvey,	Galt,	Merrick,
Archer,	Garey,	Motter,
Bell,	George,	Nelson,
Bennett,	Gill,	Nicolai,
Brewer, B. city,	Hardcastle,	Page,
Brown,	Hayden,	Parker,
Carter,	Henderson,	Pleasants,
Chambers,	Horse, of Fred.	Pole,
Cosgrove,	Horse, of Som.	Ringgold,
Cunningham,	Howard,	Ritchie,
Denson,	Howison,	Silver,
Devries,	Janvier,	Spates,
Dobbin,	Johnson,	Starr,
Dorsey,	Jones,	Vansant,
Evans,	Longwell,	Wallace,
Farnandis,	Mackubin,	Watkins, of Car.
Ferry,	Manro,	Wickes,
Finley,	Maulsby,	Whitman—59.

So the motion to open the Report for amendment did not prevail.

On motion of Mr. Barnes,

The Report of the Committee upon the Legislative Department was opened for amendment.

When Mr. Barnes submitted the following amendment to be inserted as an additional Section to the Report:

Sec. 58. The Legislature, at its first session after the ratification of this Constitution, shall provide by law for State and municipal taxation upon the revenues accruing from business done in the State by all foreign corporations.

The question recurring upon the adoption of the amendment,

Mr. Brown demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

Messrs.	Evans,	Longwell,
Carmichael, Pr't.	Ferry,	Massey,
Alvey,	Flaherty,	Maulsby,
Austin,	Franck,	McMaster,
Barnes,	Galt,	Mitchell,
Bell,	Garey,	Morris,
Bennett,	George,	Nelson,
Bradley,	Giddings,	Nicolai,
Brent,	Gill,	Parker,
Brewer, B. city,	Goldsborough, T.	Parran, Chas. S.
Brewer, of Mont.	Hall,	Parran, John,
Brooke,	Hammond,	Peters,
Chambers,	Hardcastle,	Pole,
Cosgrove,	Hayden,	Rennolds,
Cover,	Henderson,	Rider,
Cunningham,	Hodson,	Riggs,
Denson,	Hollyday,	Ringgold,
Dent,	Howard,	Starr,
Dobbin,	Howison,	Vansant,
Dorsey,	Hubbard,	Watkins, Mont.
Duvall,	Jamison,	Wethered—64.
Emack,	Johnson,	

NEGATIVE.

Messrs.	Jones,	Pleasants,
Archer,	Lee,	Ritchie,
Brown,	Mackubin,	Roman,
Carter,	Manro,	Silver,
Farnandis,	Marbury,	Spates,
Ford,	McCormick,	Syester,
Groome,	Merrick,	Wallace,
Horse, of Fred.	Motter,	Watkins, Car.
Janvier,	Page,	

So the amendment submitted by Mr. Barnes,

Was adopted,

And inserted as Section 58 of Report upon the Legislative Department.

Mr. Mitchell moved that the Report be opened, to enable him to submit the following amendment :

Add at the end of the Section : " But before this Section shall become part of this Constitution, it shall be submitted as a distinct proposition to the qualified voters of the State, at the election to be held on the 25th of September for the adoption or rejection of this Constitution ; and if a majority of the votes cast at such election, shall be in favor of this Section, then it shall become part of this Constitution, but not otherwise."

The question being upon concurring in the motion,

Mr. Mitchell demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Hammond,	Parran, Chas. S.
Austin,	Hardcastle,	Parran, Jno.
Bradley,	Hoblitzell,	Peters,
Brent,	Hodson,	Pole,
Brewer, Balto. C.	Hollyday,	Rennolds,
Brewer, of Mont.	Horse, of Som't.	Rider,
Buchanan,	Hubbard,	Riggs,
Cosgrove,	Ireland,	Ringgold,
Cover,	Jamison,	Ritchie,
Dent,	Johnson,	Roman,
Dorsey,	Massey,	Spates,
Duvall,	Maulsby,	Starr,
Emack,	McMaster,	Stoddert,
Ford,	Mitchell,	Syester,
Franklin,	Morris,	Tarr, of Worc'r,
Giddings,	Motter,	Watkins, of Car.
Goldsborough, D.	Nelson,	Watkins, of Mont.
Goldsborough, T.	Parker,	Wethered—54.
Hall,		

NEGATIVE.

Messrs.	Groome,	Longwell,
Carmichael, Pr't.	Ferry,	Mackubin,
Alvey,	Flaherty,	Manro,
Archer,	Franck,	Marbury,
Barnes,	Galt,	McCormick,

Bell,	Garey,	McKaig,
Bennett,	George,	Merrick,
Brooke,	Gill,	Nicolai,
Brown,	Hayden,	Page,
Carter,	Henderson,	Pleasants,
Chambers,	Horsev, of Fred.	Silver,
Cunningham,	Howard,	Vansant,
Denson,	Howison,	Wallace,
Devries,	Janvier,	Walsh,
Dobbin,	Jones,	Whitman,
Evans,	Kennedy,	Wickes—49.
Farnandis,	Lee,	

So the motion to open the Report was not sustained, for want of a concurrence of the majority of the members elected.

Mr. Nicolai moved to open the report to enable him to submit the following amendment:

Strike out Section 17.

The motion to open the Report did not prevail.

Mr. Walsh moved to open the report to enable him to submit the following amendment:

Sec. 33, line 7. Strike out the word "deeds."

The motion was not sustained.

Mr. Pole moved to open the Report to enable him to submit the following amendment:

Sec. 45, line 6. Strike out the words "three thousand," and insert the words, twenty-five hundred."

The question recurring upon concurring in the motion,

Mr. Pole demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called and appeared as follows:

AFFIRMATIVE.

Messrs.	Groome,	Nicolai,
Austin,	Hall,	Page,
Bell,	Hardcastle,	Parker,
Bennett,	Hodson,	Parran, Chas. S...
Bradley,	Hollyday,	Parran, John,
Brewer, Mont'y.	Howard,	Pole,
Brooke,	Howison,	Rider,
Chambers,	Hubbard,	Riggs,
Cosgrove,	Jamison,	Ringgold,
Cover,	Johnson,	Silver,
Cunningham,	Lee,	Starr,

Devries,	Marbury,	Stoddert,
Duvall,	McCormick,	Syester,
Emack,	McMaster,	Wallace,
Evans,	Mitchell,	Watkins, of Car.
Franklin,	Morris,	Watkins, of Mont.
Galt,	Motter,	—50.
Goldsborough, D.	Nelson,	

NEGATIVE.

Messrs.	Franck,	Massey,
Alvey,	George,	Maulsby,
Archer,	Giddings,	McKaig,
Barnes,	Gill,	Merrick,
Brent,	Goldsborough, T.	Peters,
Brewer, of Balto.	Hammond,	Pleasants,
Brown,	Hayden,	Ritchie,
Buchanan,	Henderson,	Roman,
Carter,	Hoblitzell,	Spates,
Denson,	Horsey, of Fred.	Tarr, of Wor.
Dent,	Ireland,	Vansant,
Dobbin,	Janvier,	Walsh,
Farnandis,	Jones,	Wethered,
Ferry,	Kennedy,	Whitman,
Flaherty,	Manro,	Wickes—45.
Ford,		

So the motion submitted by Mr. Pole did not prevail for want of a concurrence of a majority of all the members elected.

The Report of the Committee upon the Legislative Department, as amended, was then read a third time and passed by yeas and nays as follows:

AFFIRMATIVE.

Messrs.	Franck,	Maulsby,
Carmichael, Pr't.	Franklin,	McCormick,
Alvey,	Galt,	McKaig,
Archer,	Garey,	McMaster,
Barnes,	George,	Merrick,
Bell,	Giddings,	Motter,
Bennett,	Gill,	Nicolai,
Brown,	Goldsborough, D.	Page,
Buchanan,	Goldsborough, T.	Parker,
Carter,	Groome,	Pleasants,
Chambers,	Hayden,	Pole,
Cover,	Henderson,	Ringgold,
Cunningham,	Horsey, of Frd'k.	Silver,
Denson,	Howard,	Starr,
Dent,	Howison,	Syester,

Devries,	Janvier,	Tarr, of Wor
Dobbin,	Johnson,	Vansant,
Evans,	Jones,	Wallace,
Farnandis,	Kennedy,	Walsh,
Ferry,	Longwell,	Watkins, of Car.
Flaherty,	Mackubin,	Whitman,
Ford,	Manro,	Wickes—65.

NEGATIVE.

Messrs.	Hoblitzell,	Nelson,
Austin,	Hodson,	Parran, Chas. S.
Bradley,	Hollyday,	Parran, John,
Brent,	Horsey, of Som.	Peters,
Brewer, of B. city	Hubbard,	Rennolds,
Brewer, of Mont.	Ireland,	Rider,
Brooke,	Jamison,	Riggs,
Cosgrove,	Lee,	Ritchie,
Duvall,	Marbury,	Roman,
Emack,	Massey,	Spates,
Hall,	Mitchell,	Stoddert,
Hammond,	Morris,	Watkins, of Mont
		—35.

On motion of Mr. Watkins, of Montgomery,

The Convention then resumed the consideration of the special order of the day, which had been informally postponed,

Being the Report of the Committee upon the Judiciary Department,

Said Report having been read a second time.

Mr. Barnes moved to reconsider the vote by which Section 24 of the Report had been ordered to a second reading ;

The question recurring upon sustaining the motion,

Mr. Watkins, of Montgomery, demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs,	Goldsborough, D.	Nicolai,
Barnes,	Groome,	Parker,
Bell,	Hall,	Parran, Chas. S.
Bennett,	Hammond,	Parran, John,
Bradley,	Hardcastle,	Peters,
Brewer, of Mont.	Hodson,	Pole,
Chambers,	Hollyday,	Rider,

Cosgrove,	Howard,	Riggs,
Cover,	Jamison,	Ringgold,
Cunningham,	Janvier,	Silver,
Denson,	Lee,	Starr,
Duvall,	Longwell,	Stoddert,
Emack,	Marbury,	Syester,
Evans,	McCormick,	Tarr, of Wor.
Farnandis,	Mitchell,	Vansant,
Franklin,	Morris,	Watkins, of Car.
Galt,	Motter,	Watkins, M—51.
Giddings,		

NEGATIVE.

Messrs.	Finley,	Mackubin,
Carmichael, Pr't.	Flaherty,	Maulsby,
Alvey,	Ford,	McKaig,
Archer,	Franck,	McMaster,
Austin,	Garey,	Merrick,
Brent,	Gill,	Nelson,
Brooke,	Goldsborough, T.	Page,
Brown,	Hayden,	Pleasants,
Buchanan,	Henderson,	Rennolds,
Carter,	Horse, of Fred.	Ritchie,
Dent,	Howison,	Spates,
Devries,	Ireland,	Wallace,
Dobbin,	Johnson,	Walsh,
Dorsey,	Jones,	Wethered,
Ferry,	Kennedy,	Wickes—44.

So the motion to reconsider prevailed.

The question then recurring upon Section 24,

Mr. Watkins, of Montgomery, submitted the following amendment:

Strike out the words "seven and fifty," and insert the word "six ;"

Pending the consideration of which,

Mr. McKaig submitted the following amendment:

Section 24. Strike out the words "twenty-seven hundred and fifty," and insert the words "three thousand."

The question recurring upon its adoption,

Mr. McKaig demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called and appeared as follows:

AFFIRMATIVE.

Messrs.	Hayden,	Merrick,
Alvey,	Henderson,	Nelson,
Archer,	Howison,	Page,
Brent,	Johnson,	Rennolds,
Finley,	Kennedy,	Ritchie,
Flaherty,	Mackubin,	Syester,
Ford,	Marbury,	Walsh,
Franck,	Maulsby,	Watkins, of Car.
Garey,	McKaig,	Wickes—27.
Gill,		

NEGATIVE.

Messrs.	Evans,	McMaster,
Carmichael, Pr't.	Farnandis,	Mitchell,
Austin,	Ferry,	Morris,
Barnes,	Franklin,	Motter,
Bell,	Galt,	Nicolai,
Bennett,	Giddings,	Parker,
Bradley,	Goldsborough, D.	Parran, Chas. S.
Brewer, of Mont.	Goldsborough, T.	Parran, John,
Brooke,	Groome,	Pleasants,
Brown,	Hall,	Pole,
Buchanan,	Hammond,	Rider,
Carter,	Hardcastle,	Riggs,
Chambers,	Hodson,	Ringgold,
Cosgrove,	Hollyday,	Roman,
Cover,	Horsey, of Fred.	Spates,
Cunningham,	Horsey, of Som.	Starr,
Denson,	Howard,	Stoddert,
Dent,	Janvier,	Tarr, of Wor.
Devries,	Jones,	Vansant,
Dobbin,	Lee,	Wallace,
Dorsey,	Longwell,	Watkins, of Mont.
Duvall,	Massey,	Wethered—67.
Emack,	McCormick,	

So the amendment submitted by Mr. McKaig was rejected.

Mr. Barnes (by unanimous consent,) asked and was granted leave of absence from the sessions of the Convention until Tuesday next.

Mr. Syester submitted the following amendment as a substitute for Section 24.

Sec. 24. The salary of each Chief Judge shall be three thousand dollars, and of each Associate Judge of the Circuit Court two thousand five hundred dollars per annum, payable quarterly, and shall not be diminished or increased during his continuance in office.

The President (Mr. Brooke in the Chair,) decided that it

was out of order. That the salary of the Chief Judge having been fixed by the action of the Convention at thirty-seven hundred and fifty dollars, and a motion to reconsider having been made and decided in the negative, it was not competent to open that part of the Section for amendment.

Mr. Syester appealed from the decision of the Chair.

Pending the consideration of which,

On motion of Mr. Wethered,

At 3 o'clock and 15 minutes, P. M., the Convention took a recess until 8 o'clock this P. M.

EVENING SESSION, AUGUST 9, 1867.

The Convention met.

Present at the call of the roll the following members :

Messrs. Carmichael, (President,) Austin, Bell, Bennett, Bradley, Brewer, of Montgomery, Brooke, Brown, Buchanan, Carter, Chambers, Cunningham, Devries, Dobbin, Dorsey, Evans, Finley, Ford, Franklin, Galt, Giddings, Gill, Goldsborough, of Dorchester, Goldsborough, of Talbot, Hall, Hammond, Hayden, Hodson, Hollyday, Howard, Howison, Janvier, Jones, Lee, Longwell, Mackubin, Marbury, McCormick, McMaster, Merrick, Morris, Motter, Nelson, Nicolai, Page, Parker, Chas. S. Parran, Pole, Ritchie, Silver, Spates, Starr, Stoddert, Syester, Vansant, Walsh, Watkins, of Montgomery, Wethered, Wickes—56.

No quorum being present.

On motion of Mr. Jones,

A call of the House was ordered,

At the call of the roll the following members responded to their names :

Messrs. Carmichael, (President,) Alvey, Austin, Bell, Bennett, Bradley, Brewer, of Montgomery, Brooke, Brown, Buchanan, Carter, Chambers, Cover, Cunningham, Devries, Dobbin, Dorsey, Evans, Farnandis, Finley, Ford, Franklin, Galt, Giddings, Gill, Goldsborough, of Dorchester, Golds-

borough, of Talbot, Hall, Hammond, Hayden, Hodson, Hollyday, Horsey, of Frederick, Howard, Howison, Janvier, Jones, Lee, Longwell, Mackubin, Marbury, McCormick, McMaster, Merrick, Morris, Motter, Nelson, Nicolai, Page, Parker, C. S. Parran, Pole, Ritchie, Silver, Spates, Starr, Stoddert, Syester, Vansant, Walsh, Watkins, of Montgomery, Wethered, Wickes—63.

On motion of Mr. Carter,

All further proceedings under the call were dispensed with.

The Convention resumed the consideration of the unfinished business of the morning session,

Being the Report of the Committee upon the Judiciary Department,

The question recurring upon the 24th Section said Report,

The question being upon the appeal taken by Mr. Syester from the decision of the Chair.

The question then being,

“Shall the decision of the Chair stand as the judgment of the Convention?”

Mr. Vansant demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Finley,	Marbury,
Carmichael, Pr't.	Giddings,	McMaster,
Alvey,	Gill,	Merrick,
Brown,	Goldsborough, T.	Motter,
Buchanan,	Hammond,	Nelson,
Carter,	Hayden,	Parker,
Cosgrove,	Hodson,	Ritchie,
Devries,	Horsey, of Fred.	Vansant,
Dobbin,	Howison,	Walsh,
Dorsey,	Jones,	Wethered,
Evans,	Mackubin,	Wickes—33.
Farnandis,		

NEGATIVE.

Messrs.	Galt,	Page,
Austin,	Goldsborough, D.	Parran, Chas. S
Bell,	Hall,	Pole,
Bennett,	Hollyday,	Roman,
Bradley,	Howard,	Silver,

Brewer, of Mont.	Janvier,	Spates,
Chambers,	Lee,	Starr,
Cover,	Longwell,	Stoddert,
Cunningham,	McCormick,	Syester,
Ford,	Morris,	Watkins, of M.
Franklin,	Nicolai,	—31.

So the question was decided in the affirmative,

And the decision of the Chair stood as the judgment of the Convention.

The question then recurring upon the amendment submitted by Mr. Watkins, of Montgomery, to Section 24,

Mr. Watkins, of Montgomery, demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Galt,	Motter,
Austin,	Giddings,	Nicolai,
Bell,	Goldsborough, D.	Parker,
Bennett,	Hall,	Parran, Chas. S.
Bradley,	Hammond,	Pole,
Brewer, of Mont.	Hodson,	Roman,
Chambers,	Hollyday,	Silver,
Cosgrove,	Howard,	Spates,
Cover,	Janvier,	Starr,
Cunningham,	Lee,	Stoddert,
Evans,	Longwell,	Vansant,
Farnandis,	McCormick,	Watkins, of M.
Franklin,	Morris,	—37.

NEGATIVE.

Messrs.	Finley,	Marbury,
Carmichael, Pr't.	Ford,	McMaster,
Alvey,	Gill,	Merrick,
Brooke,	Goldsborough, T.	Nelson,
Brown,	Hayden,	Page,
Buchanan,	Horsely, of Fred.	Ritchie,
Carter,	Howison,	Syester,
Devries,	Jones,	Walsh,
Dobbin,	Keating,	Wethered,
Dorsey,	Mackubin,	Wickes—29.

So the amendment was adopted.

Mr. Carter submitted the following amendment: by Google

Sec. 24. Insert after the word "dollars," in line 2, the following: "and the salary of the Judge of the Court of Appeals from the city of Baltimore, shall be four thousand dollars per annum."

Mr. Walsh submitted the following amendment:

Strike out the words, "four thousand," and insert the words, "thirty-seven hundred and fifty."

Mr. Pole submitted the following amendment to the amendment submitted by Mr. Carter:

Strike out the words "four thousand," and insert the words "thirty-five hundred."

The question recurring upon the adoption of the amendment submitted by Mr. Carter,

Mr. Hayden demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called and appeared as follows:

AFFIRMATIVE.

Messrs.	Giddings,	Mackubin,
Carmichael, Pr't.	Gill,	Maulsby,
Brown,	Horsey, of Fred.	Merrick,
Carter,	Johnson,	Syester,
Dobbin,	Jones,	Vansant,
Ford,	Lee,	Wethered—17.

NEGATIVE.

Messrs.	Finley,	McMaster,
Alvey,	Franklin,	Morris,
Austin,	Galt,	Motter,
Bell,	Goldsborough, D.	Nelson,
Bennett,	Goldsborough T.	Nicolai,
Bradley,	Hall,	Page,
Brewer, of Mont.	Hammond,	Parker,
Brooke,	Hayden,	Parran, Chas. S.
Buchanan,	Hodson,	Pole,
Chambers,	Hollyday,	Ritchie,
Cosgrove,	Horsey, of Som.	Roman,
Cover,	Howard,	Silver,
Cunningham,	Howison,	Spates,
Devries,	Janvier,	Starr,
Dorsey,	Keating,	Stoddert,
Duvall,	Longwell,	Walsh,
Evans,	Marbury,	Watkins, of Mont.
Farnandis,	McCormick,	Wickes—53.

So the amendment submitted by Mr. Carter,
Was rejected.

Mr. McCormick submitted the following amendment:

Section 24. Insert after the word "Judge," in first line,
the following words: "and of the Judge of the Court of
Appeals from Baltimore City ;

Which was adopted.

The section, as amended, was then read.

Mr. Walsh moved to reconsider the vote by which Section
31 was ordered to a second reading ;

Pending the consideration of which,

Mr. Carter moved the previous question ;

The question then being,

"Shall the previous question be now put?"

It was not sustained.

The question then recurring upon concurring in the motion
submitted by Mr. Walsh,

Mr. Walsh demanded the yeas and nays,

Which was sustained.

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Franklin,	Morris,
Alvey,	Galt,	Motter,
Austin,	Giddings,	Nelson,
Bradley,	Goldsborough, D.	Nicolai,
Brewer, of Mont.	Goldsborough, T.	Page,
Brooke,	Hall,	Parker,
Chambers,	Hammond,	Parran, Chas. S.
Cosgrove,	Hayden,	Pole,
Cover,	Hodson,	Roman,
Cunningham,	Holliday,	Silver,
Devries,	Horse, of Som.	Spates,
Dorsey,	Howard,	Starr,
Duvall,	Janvier,	Stoddert,
Evans,	Longwell,	Walsh,
Farnandis,	Marbury,	Watkins, of Mont.
Finley,	McCormick,	Wickes—49.
Ford,	McMaster,	

NEGATIVE.

Messrs.	Gill,	Mackubin,
Carmichael, Pr't.	Horse, of Fred.	Maulsby,
Bell,	Howison,	Merrick,
Bennett,	Johnson,	Ritchie,
Brown,	Jones,	Syester,
Buchanan,	Keating,	Vansant,
Carter,	Lee,	Wethered—21.
Dobbin,		

So the motion to reconsider prevailed.

Mr. Hayden submitted the following amendment :

Sec. 31. Strike out all after the word "salary," in the 9th line, and insert, "which shall be fixed by law, and paid quarterly, but which shall never be less than the sum of three thousand five hundred dollars."

Pending the consideration of which,

Mr. Walsh submitted the following amendment as a substitute :

Sec. 31. Strike out the words "four thousand," and insert the words "thirty-five hundred."

Pending the consideration of which,

Mr. Motter moved that the Convention do now adjourn.

Decided in the negative.

The question then recurring upon the substitute submitted by Mr. Walsh,

Mr. Mackubin moved the previous question.

The question then being,

"Shall the previous question be now put?"

It was sustained.

Mr. Jones moved a call of the House ;

Which was not sustained.

Mr. Ritchie moved that the Convention do now adjourn.

The question being upon concurring in the motion,

Mr. Carter demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Goldsborough, T.	Maulsby,
Carmichael, Pr't.	Hayden,	Merrick,
Brooke,	Horse, of Fred.	Motter,
Brown,	Johnson,	Page,
Carter,	Jones,	Parran, Chas. S.
Devries,	Lee,	Ritchie,
Dobbin,	Longwell,	Roman,
Ford,	Mackubin,	Spates,
Gill,	Marbury,	Syester—26.

NEGATIVE.

Messrs.	Farnandis,	McCormick,
Alvey,	Finley,	McMaster,
Austin,	Franklin,	Morris,
Bell,	Galt,	Nelson,
Bennett,	Goldsborough, D.	Nicolai,
Bradley,	Hall,	Parker,
Brewer, of Mont.	Hammond,	Pole,
Chambers,	Hodson,	Silver,
Cosgrove,	Hollyday,	Starr,
Cover,	Horse, of Som.	Stoddert,
Cunningham,	Howard,	Vansant,
Dorsey,	Howison,	Walsh,
Duvall,	Janvier,	Watkins, of Mont.
Evans,	Keating,	—40.

So the motion to adjourn did not prevail.

The question then recurring upon the adoption of the substitute submitted by Mr. Walsh,

Mr. Jones demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Finley,	Marbury,
Alvey,	Ford,	McCormick,
Austin,	Franklin,	McMaster,
Bell,	Galt,	Morris,
Bennett,	Goldsborough, D.	Nelson,
Bradley,	Goldsborough, T.	Nicolai,
Brewer, of Mont.	Hall,	Parker,
Brooke,	Hammond,	Parran, Chas. S.
Carter,	Hodson,	Pole,
Chambers,	Hollyday,	Roman,
Cosgrove,	Horse, of Frd'k.	Silver,

Cover,	Horsey, of Som.	Spates,
Cunningham,	Howard,	Starr,
Dorsey,	Janvier,	Stoddert,
Duvall,	Jones,	Walsh,
Evans,	Longwell,	Watkins, of Mont
Farnandis,	Mackubin,	—49.

NEGATIVE.

Messrs.	Hayden,	Merrick,
Carmichael, Pr't.	Howison,	Motter,
Brown,	Johnson,	Page,
Devries,	Keating,	Ritchie,
Dobbin,	Lee,	Syester,
Gill,	Maulsby,	Vansant—17.

So the substitute submitted by Mr. Walsh,

Was adopted.

The question then recurring upon Section 31, as amended,

On motion of Mr. Jones,

At 11 o'clock and 10 minutes, P. M., the Convention adjourned.

SATURDAY, August 10, 1867.

The Convention met.

Prayer by Rev. Mr. Leech.

Present at the call of the roll the following members :

Messrs. Carmichael, (President,) Alvey, Austin, Bell, Bennett, Bradley, Brewer, of Montgomery, Brooke, Brown, Buchanan, Carter, Chambers, Cosgrove, Cover, Cunningham, Dent, Devries, Dobbin, Dorsey, Emack, Evans, Farnandis, Ferry, Finley, Flaherty, Ford, Franklin, Galt, Giddings, Gill, Goldsborough, of Dorchester, Goldsborough, of Talbot, Hammond, Hayden, Hodson, Hollyday, Horsey, of Somerset, Howard, Howison, Jamison, Johnson, Keating, Kilbourn, Lee, Longwell, Mackubin, Marbury, Maulsby, McCormick, McMaster, Merrick, Merryman, Morris, Motter, Murray, Nelson, Page, Parker, Charles S. Parran, Pole, Rennolds, Rider, Ritchie, Roman, Silver, Spates, Starr, Stoddert, Syester, Tarr, of Worcester, Walsh, Watkins, of Caroline, Watkins, of Montgomery, Wethered, Wickes.—75.

The proceedings of yesterday were read and approved.

Mr. Buchanan submitted the following order :

Ordered, That it be entered on the Journal that if Mr. Buchanan, of Baltimore county, had been present when the vote was taken on the motion of Mr. Marbury to open the report of the Committee upon the Legislative Department, to enable him to move to strike out Section 37 of said report, he would have voted in the negative.

Which was adopted.

The Convention then resumed the consideration of the unfinished business of yesterday.

Being the Report of the Committee upon the Judiciary Department ;

The question recurring upon the substitute as an amendment to Section 31.

The question being upon its adoption,

Mr. McCormick demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows

AFFIRMATIVE.

Messrs.	Ferry,	McCormick,
Carmichael, Pr't.	Finley,	McMaster,
Alvey,	Ford,	Merrick,
Austin,	Franklin,	Morris,
Bell,	Galt,	Motter,
Bennett,	Giddings,	Murray,
Bradley,	Goldsborough, D.	Nelson,
Brewer, Mont.	Goldsborough, T.	Page,
Brooke,	Hammond,	Parker,
Brown,	Hayden,	Parran, Chas. S.
Buchanan,	Hodson,	Pole,
Carter,	Hollyday,	Roman,
Chambers,	Horse, of Som.	Silver,
Cover,	Howard,	Spates,
Cunningham,	Jamison,	Starr,
Dent,	Johnson,	Stoddert,
Devries,	Keating,	Syester,
Dobbin,	Lee,	Walsh,
Dorsey,	Longwell,	Watkins, of Car.
Emack,	Mackubin,	Watkins, of Mont.
Evans,	Marbury,	Wethered—63.
Farnandis,		

NEGATIVE.

Messrs.	Howison,	Rennolds,
Cosgrove,	Kilbourn,	Ritchie,
Flaherty,	Maulsby,	Tarr, of Wor.
Gill,	Merryman,	Wickes—11.

So the substitute as an amendment to Section 31, was adopted.

Mr. Carter submitted the following amendment:

Sec. 31. Add at the end of Section, "but authority is hereby given to the Mayor and City Council of Baltimore to pay to each of the said Judges an annual addition of five hundred dollars to their respective salaries, provided that the same being once granted shall not be diminished nor increased during the continuance of said Judges in office."

Pending the consideration of which,

Mr. Carter moved the previous question,

The question being,

"Shall the previous question be now put?"

It was sustained.

The question then recurring upon the adoption of the amendment,

Mr. Stoddert demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

Messrs.	Flaherty,	Morris,
Carmichael, P't.	Ford,	Motter,
Alvey,	Franklin,	Murray,
Austin,	Galt,	Nelson,
Bell,	Giddings,	Page,
Bennett,	Gill,	Parker,
Brooke,	Goldsborough, D.	Parran, Chas. S.
Brown,	Goldsborough, T.	Pole,
Buchanan,	Hollyday,	Rider,
Carter,	Howison,	Ritchie,
Cover,	Keating,	Roman,
Cunningham,	Lee,	Silver,
Devries,	Longwell,	Spates,
Dobbin,	Mackubin,	Stoddert,
Dorsey,	Marbury,	Tarr, of Worc'r.
Emack,	Maulsby,	Walsh,
Evans,	McMaster,	Watkins, of M.
Farnandis,	Merrick,	Wethered—55.
Finley,	Merryman,	

NEGATIVE.

Messrs.	Hammond,	Kilbourn,
Bradley,	Hayden,	McCormick,
Brewer, of Mont.	Hodson,	Rennolds,
Chambers,	Horse, of Som.	Starr,
Cosgrove,	Howard,	Syester,
Dent,	Jamison,	Watkins, of Car.
Ferry,	Johnson,	Wickes—20.

So the amendment was adopted.

The Section, as amended, was then read.

The Report of the Committee upon the Judiciary Department, as amended, was then read a second time, and,

On motion of Mr. Carter,

Ordered to be engrossed for a third reading.

The Convention then proceeded to the consideration of the special order of the day,

Being the Reports entitled to a third reading.

Pending the consideration of which,

Mr. Lee, Chairman Committee upon Revision and Compilation, submitted the following

REPORT:

The Committee on Revision and Compilation, to which was referred the Engrossed Report upon the Department of Labor and Agriculture, has carefully revised the same, and report it without amendment.

Respectfully submitted.

J. F. LEE,

Chairman..

Which was read and concurred in.

The Convention then proceeded to the consideration of the Report of the Committee upon the Department of Labor and Agriculture, said Report being upon a third reading.

The Report was then read a third time, and rejected, (for want of a concurrence of the majority of all the members elected,)

By yeas and nays as follows:

AFFIRMATIVE.

Messrs.	Franklin,	Motter,
Carmichael, Pr't.	Giddings,	Murray,
Alvey,	Gill,	Nelson,
Austin,	Goldsborough, D.	Page,
Bell,	Goldsborough, T.	Parker,
Brewer, of Mont.	Hammond,	Parran, Chas. S.
Brooke,	Hodson,	Rennolds,
Brown,	Hollyday,	Rider,
Buchanan,	Howison,	Ritchie,
Carter,	Jamison,	Roman,
Dent,	Johnson,	Spates,
Devries,	Kilbourn,	Starr,
Dobbin,	Lee,	Tarr, of Wor.
Dorsey,	Mackubin,	Walsh,
Emack,	Marbury,	Watkins, of Car.
Ferry,	Maulsby,	Watkins, of Mont.
Finley,	McMaster,	Wethered,
Flaherty,	Merrick,	Wickes—55.
Ford,	Merryman,	

NEGATIVE.

Messrs.	Farnandis,	Longwell,
Bennett,	Galt,	McCormick,
Bradley,	Hayden,	Morris,
Chambers,	Horse, of Som.	Pole,

Cosgrove,
Cover,
Cunningham,
Evans,

Howard,
Jones,
Keating,

Silver,
Stoddert,
Syester—21.

Mr. Giddings gave notice, that at some future day he would move a reconsideration of the vote by which the Report of the Committee upon Labor and Agriculture was rejected.

The Convention then proceeded to the consideration of the Report of the Committee upon Education, said Report being upon a third reading ;

Pending which,

Mr. Lee, Chairman Committee upon Revision and Compilation, submitted the following

REPORT.

The Committee on Revision and Compilation, to which was referred the Engrossed Report upon Education, has revised the same, and report it without amendment.

Respectfully submitted,

J. F. LEE,

Chairman.

Which was read and concurred in.

The reading of the Report was then proceeded with ;

Pending which,

Mr. Rider moved that the Report be opened for amendment, to enable him to submit the following :

“The system which shall be provided by the General Assembly, shall supersede the present system.”

The question being on concurring in the motion,

Mr. Rider demanded the yeas and nays.

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.
Bell,
Brown,
Dent,
Devries,
Dobbin,
Emack,
Ferry,

Flaherty,
Franklin,
Goldsborough, T.
Hammond,
Hollyday,
Jamison,
Jones,
McMaster,

Page,
Parker,
Pole,
Rider,
Ritchie,
Roman,
Spates,
Watkins, C.—23.

NEGATIVE.

Messrs.	Ford,	Maulsby,
Carmichael, P't.	Galt,	McCormick,
Alvey,	Giddings,	Merrick,
Bennett,	Gill,	Merryman,
Bradley,	Goldsborough, D.	Morris,
Brewer, Mont.	Hayden,	Motter,
Brooke,	Hodson,	Murray,
Buchanan,	Horse, of S'mt.	Nelson,
Carter,	Howard,	Rennolds,
Chambers,	Howison,	Silver,
Cosgrove,	Johnson,	Starr,
Cover,	Keating,	Stoddert,
Cunningham,	Kilbourn,	Tarr, of Wor.
Dorsey,	Lee,	Walsh,
Evans,	Longwell,	Watkins, of Mont.
Farnandis,	Mackubin,	Wethered,
Finley,	Marbury,	Wickes—50.

So the motion submitted by Mr. Rider,

Was not sustained.

The Report of the Committee upon Education was then read a third time, and,

On motion of Mr. Carter,

Passed by yeas and nays as follows :

AFFIRMATIVE.

Messrs.	Flaherty,	McCormick,
Carmichael, Pre't	Ford,	Merrick,
Alvey,	Galt,	Merryman,
Bell,	Giddings,	Morris,
Bennett,	Gill,	Motter,
Bradley,	Goldsborough, D.	Murray,
Brewer, of Mont.	Goldsborough, T.	Nelson,
Brooke,	Hammond,	Page,
Buchanan,	Hayden,	Parker,
Carter,	Hodson,	Pole,
Chambers,	Hollyday,	Rennolds,
Cosgrove,	Howard,	Rider,
Cover,	Howison,	Ritchie,
Cunningham,	Jamison,	Silver,
Dent,	Johnson,	Spates,
Devries,	Jones,	Starr,
Dobbin,	Keating,	Stoddert,
Dorsey,	Kilbourn,	Syester,
Emack,	Lee,	Tarr, of Wor.
Evans,	Longwell,	Walsh,

Farnandis,
Ferry,
Finley,

Mackubin,
Marbury,
Maulsby,

Watkins, of Mont.
Wethered,
Wickes—68.

NEGATIVE.

Messrs.
Brown,

Franklin,
Horsey, of Som.

McMaster,
Watkins, C.—5.

The Convention then resumed the consideration of the unfinished business of yesterday,

Being the Report of the Committee to whom was referred all such parts of the present Constitution as had not been referred to any other Committee.

The question recurring upon the adoption of the amendment submitted by Mr. Dent to Article—New Counties,

Mr. Dent demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

Messrs.
Carmichael, Pr't.
Austin,
Bradley,
Brewer, of Mont.
Brooke;
Carter,
Chambers,
Cover,
Dent,
Dorsey,
Emack,

Ferry,
Ford,
Galt,
Giddings,
Goldsborough, D.
Goldsborough, T.
Hayden,
Hodson,
Jamison,
Johnson,
Kilbourn,

Lee,
Marbury,
Morris,
Nelson,
Parran, Chas. S.
Rennolds,
Rider,
Ritchie,
Stoddert,
Watkins, of Mon.
Wickes—33.

NEGATIVE.

Messrs.
Alvey,
Bell,
Bennett,
Brown,
Buchanan,
Cosgrove,
Cunningham,
Devries,
Evans,
Finley,
Flaherty,
Franklin,

Gill,
Hollyday,
Horsey, of Som.
Howard,
Jones,
Keating,
Longwell,
Mackubin,
Maulsby,
McCormick,
McMaster,
Merrick,
Merryman,

Motter,
Murray,
Page,
Parker,
Pole,
Roman,
Silver,
Spates,
Starr,
Syester,
Walsh,
Watkins, of Car.
Wethered—38.

So the amendment submitted by Mr. Dent was rejected.

On motion of Mr. Carter,

The Convention resumed the consideration of Section 3 of the Report which had, at session of Thursday, August 8th, been informally postponed,

Pending which,

Mr. Gill submitted the following amendment :

“ And in case any person holding any office in this State, or in any municipal corporation of this State at the time of the adoption of this Constitution, shall hold or attempt to hold any such office in violation of the provisions of this Constitution, such person shall be held guilty of a misdemeanor, and if convicted, be subject to fine and imprisonment, in the discretion of the Court before whom such person may be tried, and in addition to the punishment to be imposed by the said Court, such person shall forever after such conviction, be disqualified from holding any office of profit or trust ;”

Pending the consideration of which,

Mr. Brewer, of Montgomery, moved the previous question ;

The question then being,

“ Shall the previous question be now put ?” .

It was sustained.

The question then recurring upon the adoption of the amendment submitted by Mr. Gill,

It was rejected.

The Convention then resumed the consideration of that part of the Report, title—“ Vote on the Constitution,”

The further consideration of which was postponed on Thursday, August 8th,

Pending which,

Mr. Syester submitted the following amendment :

In 32d line after the word “ shall,” insert the words “ thereupon immediately,” and strike out all after the word “ effect,” in 32d line ;

Which was rejected.

On motion of Mr. Carter,

The vote by which the blanks in line 10 were ordered to be filled with the words "Wednesday, twenty-fifth September," was reconsidered,

Mr. Carter submitted the following amendment :

Strike out the words "twenty-fifth September," and insert the words "eighteenth of September ;"

Which was adopted.

Mr. Carter submitted the following amendment :

Fill the blanks in line 32 with the words "Saturday, fifth October ;"

Which was adopted.

Mr. Carter submitted the following amendment :

Insert after the word "Delegates," in line 25, the words and "duplicates thereof directly to the Governor ;"

Which was adopted.

The Report, as amended, was then read a second time, and ordered to be engrossed for a third reading.

On motion of Mr. Merryman,

At 2 o'clock, P. M., the Convention adjourned until Monday next, at 10½ o'clock, A. M.

MONDAY, August 12, 1867.

The Convention met.

Prayer by Rev. Mr. Henderson.

Present at the call of the roll the following members :

Messrs. Carmichael, (President,) Alvey, Austin, Bell, Bennett, Bradley, Brewer, of Baltimore City, Brewer, of Montgomery, Buchanan, Chambers, Cosgrove, Dent, Dobbin, Dorsey, Emack, Evans, Farnandis, Ferry, Finley, Ford, Galt, Garey, George, Giddings, Goldsborough, of Dorchester, Goldsborough, of Talbot, Hayden, Henderson, Hodson, Horsey, of Frederick, Horsey, of Somerset, Howard, Howison, Jamison, Johnson, Jones, Keating, Kennedy, Kilbourn, Lee, Longwell, Marbury, Maulsby, McCormick, McKaig, McMaster, Merrick, Merryman, Motter, Murray, Page, Parker, Chas. S. Parran, Peters, Pole, Rennolds, Rider, Ritchie, Roman, Spates, Starr, Stoddert, Syester, Tarr, of Worcester, Vansant, Walsh, Watkins, of Caroline, Wethered, Wickes, Wilkinson—70.

The proceedings of Saturday were read and approved.

The Convention then proceeded to the consideration of the order of the day,

Being the Reports entitled to a third reading.

The question recurring upon the Report of the Committee respecting the Militia and Military affairs ;

Pending which,

On motion of Mr. Lee, Chairman of the Committee upon Revision and Compilation,

The Report was opened for amendment by the Committee,

When Mr. Lee submitted the following Report :

The Committee on Revision and Compilation, to which was referred the Engrossed Report of the Committee respecting the Militia and Military Affairs, has carefully revised the same, and reports the following amendment :

1st. Sec. 3. At the end of the Section add the following words : " subject to the provisions of this Article."

Respectfully submitted,

J. F. LEE,

Chairman.

Which was adopted.

The Report of the Committee respecting the Militia and Military Affairs was then read a third time, as amended, and,

On motion of Mr. Lee,

Passed by yeas and nays as follows :

AFFIRMATIVE.

Messrs.	Giddings,	Merryman,
Carmichael, Pr't.	Goldsborough, D.	Motter,
Alvey,	Goldsborough, T.	Murray,
Austin,	Hayden,	Page,
Bell,	Henderson,	Parker,
Bennett,	Hodson,	Parran, Chas. S.
Bradley,	Horsey, of Fred'k	Peters,
Brewer, B. city,	Horsey, of Som.	Pole,
Brewer, of Mont.	Howard,	Rennolds,
Buchanan,	Howison,	Rider,
Chambers,	Johnson,	Ritchie,
Cosgrove,	Jones,	Spates,
Dobbin,	Keating,	Starr,
Dorsey,	Kennedy,	Stoddert,
Emack,	Lee,	Syester,
Evans,	Longwell,	Tarr, of Wor.
Farnandis,	Marbury,	Vansant,
Ferry,	Maulsby,	Walsh,
Finley,	McCormick,	Watkins, Car.
Ford,	McKaig,	Wethered,
Galt,	McMaster,	Wickes,
Garey,	Merrick,	Wilkinson—66.
George,		

NEGATIVE.

Messrs.	Dent,	Kilbourn—2.
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The Convention then proceeded to the consideration of the Report of the Committee upon Public Works and Corporations, title, Article—City of Baltimore, said Report being upon a third reading,

Pending which,

On motion of Mr. Lee,

The further consideration of the Report was informally postponed.

On motion of Mr. Maulsby,

The vote by which the further consideration of the Report

of the Committee upon Public Works and Corporations, was informally postponed, was reconsidered.

The question then recurring upon the third reading of the Report,

On motion of Mr. Lee, Chairman of the Committee upon Revision and Compilation, the Report was opened for amendment by the Committee, when Mr. Lee submitted the following

REPORT:

The Committee on Revision and Compilation to which was referred the Engrossed Report upon Public Works, and Corporation—City of Baltimore—has carefully revised the same, and recommend the following amendments. The lines referred to are those of the copy of the Engrossed Report presented under the order of the Convention of June 20th, 1867.

1. Section 2, line 4, strike out the word “possessing,” and insert the word “having.”

2. Sec. 7, line 12, strike out the words “and be;” also, the words, “by such ordinances;” line 14, strike out the word “be.”

3. Sec. 8, line 1, strike out the word “that,” at the beginning of the section.

4. Sec. 9, line 1, strike out the words, “nothing in this article shall prevent;” line 2, strike out the words, “of this State from making;” and insert the words, “may make;” line 3, strike out the words, “nor shall,” and insert the word, “and;” line 4, after the word, “article,” insert the words, “shall not;” line 5, after the word, “independent,” insert the word, “of.”

Respectfully submitted,

J. F. LEE,

Chairman.

Which was adopted.

The Report of the Committee upon Public Works and Corporations, title—Article—City of Baltimore, was then read a third time as amended, and rejected, (for want of a concurrence of the majority of all the members elected,) by yeas and nays as follows:

AFFIRMATIVE.

Messrs.
Carmichael, Pr't.
Alvey,

Garey,
George,
Giddings,

Merryman,
Motter,
Murray,

Austin,	Goldsborough, D.	Page,
Bell,	Goldsborough, T.	Parker,
Bennett,	Horsey, of Fred.	Parran, Chas. S.
Bradley,	Howard,	Peters,
Brewer, of Mont.	Howison,	Pole,
Buchanan,	Johnson,	Rennolds,
Chambers,	Jones,	Rider,
Cosgrove,	Keating,	Ritchie,
Dobbin,	Kennedy,	Spates,
Dorsey,	Lee,	Starr,
Emack,	Longwell,	Tarr, of Wor.
Evans,	Maulsby,	Vansant,
Farnandis,	McCormick,	Watkins, of Mont.
Ferry,	McMaster,	Wethered,
Finley,	Merrick,	Wickes—54.
Galt,		

NEGATIVE.

Messrs.	Horsey, of Som.	McKaig,
Ford,	Jamison,	Stoddert,
Hayden,	Kilbourn,	Walsh,
Henderson,	Marbury,	Wilkinson—11.

Mr. Vansant gave notice that he would, at the proper time, move a reconsideration of the vote by which the Report of the Committee upon Public Works and Corporations, title, Article—City of Baltimore, was rejected.

The Convention then proceeded to the consideration of the Report of the Committee upon Public Works and Corporations, title, Article—Public Works, said Report being upon a second reading.

Pending which,

Mr. Merryman moved that the further consideration of the Report be postponed until to-morrow, Tuesday.

Pending the consideration of which,

The question recurring upon sustaining the motion,

Mr. Stoddert demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Farnandis,	Merryman,
Carmichael, Pr't.	Ferry,	Motter,
Brewer, of Mont.	Ford,	Parran, Chas.
Cosgrove,	Henderson,	Peters,
Dent,	Horsey, of Fred.	Pole,
Dobbin,	Jamison,	Rennolds—17.

NEGATIVE.

Messrs.	Goldsborough, T.	Murray,
Alvey,	Hayden,	Page,
Austin,	Howard,	Parker,
Bell,	Howison,	Rider,
Bennett,	Johnson,	Ritchie,
Bradley,	Jones,	Spates,
Buchanan,	Keating,	Starr,
Chambers,	Kennedy,	Stoddert,
Dorsey,	Kilbourn,	Syester,
Emack,	Lee,	Tarr, of Wor.
Evans,	Longwell,	Vansant,
Finley,	Marbury,	Walsh,
Galt,	Maulsby,	Watkins, of Car.
Garey,	McCormick,	Wethered,
George,	McMaster,	Wickes,
Giddings,	Merrick,	Wilkinson—47.

So the motion submitted by Mr. Merryman, did not prevail.

On motion of Mr. Alvey,

The Convention resolved itself into a Committee of the Whole, to consider and report upon the Report of the Committee upon Public Works and Corporations, title:—Article—Public Works ;

Mr. Dent in the Chair.

After some time spent in Committee of the Whole, the Committee rose,

(The President resumed the Chair,)

And through Mr. Dent, Chairman, reported that they had had under consideration the Report of the Committee upon Public Works and Corporations, title: Article — Public Works, had made some progress therein, and asked leave to sit again.

The Report was received, and leave granted.

On motion of Mr. McKaig,

At 2 o'clock P. M. the Convention adjourned.

P R O C E E D I N G S
IN COMMITTEE OF THE WHOLE,

Monday, August 12, 1867.

The Committee met.

Mr. Dent in the Chair.

The Committee proceeded to the consideration of the Report of the Committee upon Public Works and Corporations, title, Article—Public Works.

The 1st Section was then read.

Pending the consideration of the 2d Section,

Mr. Syester submitted the following amendment :

In the 3d line strike out all after the word "creditor," to the word "they," in the 8th line, and insert as follows: "and shall represent, and vote the stock of the State of Maryland in all meetings of the stockholders of the Chesapeake and Ohio Canal, and shall appoint the directors in every railroad or canal company in which the State has the legal power to appoint Directors, which said Directors shall represent the State in all meetings of the stockholders of every railroad or canal company (other than the Chesapeake and Ohio Canal Company,) in which the State is a stockholder."

Which was read.

On motion of Mr. McKaig,

The further consideration of Section 2, with pending amendment, was informally postponed.

The Committee then proceeded to the consideration of Section 3.

Pending which,

Mr. Syester moved to strike out the whole Section.

Pending the consideration of which,

Mr. McKaig moved that the Committee now rise and report that they have had under consideration the Report of the Committee upon Public Works and Corporations, title, Article—Public Works, have made some progress therein, and ask leave to sit again.

Decided in the affirmative.

The Committee then rose.

TUESDAY, August 13, 1867.

The Convention met.

Prayer by Rev. Mr. Burke.

Present at the call of the roll the following members:

Messrs. Carmichael, (President,) Alvey, Archer, Austin, Barnes, Barry, Bateman, Bell, Bennett, Bradley, Brent, Brewer, of Baltimore City, Brewer, of Montgomery, Brooke, Brown, Buchanan, Carter, Chambers, Cosgrove, Cunningham, Denson, Dent, Devries, Dorsey, Duvall, Evans, Ferry, Finley, Flaherty, Ford, Franck, Franklin, Galt, Giddings, Gill, Goldsborough, of Dorchester, Goldsborough, of Talbot, Groome, Hall, Hammond, Hardcastle, Hayden, Henderson, Hoblitzell, Hodson, Hollyday, Horsey, of Frederick, Horsey, of Somerset, Howard, Howison, Jamison, Johnson, Jones, Keating, Kennedy, Kilbourn, Lee, Longwell, Mackubin, Marbury, Massey, Maulsby, McCormick, McKaig, McMaster, Merrick, Mitchell, Morris, Motter, Murray, Nelson, Nikolai, Page, Parker, C. S. Parran, Pleasants, Pole, Rennolds, Rider, Riggs, Ringgold, Ritchie, Roman, Silver, Spates, Starr, Stoddert, Syester, Tarr, of Caroline, Tarr, of Worcester, Thomas, Toadvine, Vansant, Walsh, Watkins, of Caroline, Watkins, of Montgomery, Wethered, Whitman, Wickes, Wilkinson—100.

The proceedings of yesterday were read and approved.

The President laid before the Convention the following communication:

BALTIMORE, August 13, 1867.

HON. R. B. CARMICHAEL,

President Constitutional Convention:

Sir:—In consequence of the death of my Mother, I respectfully ask of the Convention, through you, leave of absence until Thursday next.

Very respectfully,

JOHN H. WOODWARD,

Committee Clerk.

Which was read.

On motion of Mr. Vansant,

The leave of absence therein asked, was granted.

Mr. McKaig submitted the following order :

Ordered, That it be entered on the Journal that Jacob Hoblitzell, of Allegany, is absent from this Convention on account of serious illness of a member of his family.

Which was adopted.

Mr. Dent submitted the following order :

Ordered, That the President appoint a Committee of five, to report to this Convention some suitable expression on the political condition of the country ;

Pending the consideration of which,

Mr. Nelson submitted the following order, as a substitute :

Ordered, That it is the sense of this Convention, that the members thereof, being the representatives from every part of the State, should hold a caucus on the day of inst., to take into consideration the political condition of the State, and to devise such means as may best conduce to the success of sound republican principles ;

Pending the consideration of which,

On motion of Mr. Vansant,

The substitute and order were laid on the table.

The hour having arrived for taking up the order of the day,

Being the Reports entitled to a third reading.

The Convention proceeded to the consideration of the Report of the Committee respecting the Appointment, Tenure of Office, Duties and Compensation of all Civil Officers not embraced in the duties of other Standing Committees, said Report being upon a third reading ;

Pending which,

On motion of Mr. Carter,

The Report was opened for amendment, by the Committee upon Revision and Compilation.

Mr. Lee, Chairman of the Committee upon Revision and Compilation, submitted the following

REPORT :

The Committee on Revision and Compilation, to which was referred the Engrossed Report of the Committee respecting the Appointment, Tenure of Office, Duties and Compensation of all Civil Officers not embraced in the duties of other Standing Committees, has carefully revised the same, and recommends the following amendments. The lines referred

to are those of the Engrossed Report, printed under the order of the Convention of the 20th of June, 1867.

1st. Section 2, line 4. Strike out the words, "the counties," and insert the words, "each county;" line 5, before the word, "city," insert the word, "the."

2d. Sec. 3, line 2. Strike out the word, "who," and insert the word, "and;" line 13, strike out the word, "affix," and insert the word, "prescribed."

Respectfully submitted,

J. F. LEE,

Chairman.

Which was adopted.

The Report of the Committee respecting the Appointment, Tenure of Office, Duties and Compensation of all Civil Officers not embraced in the duties of other Standing Committees, was then read a third time, and passed,

By yeas and nays as follows:

AFFIRMATIVE.

Messrs.	Franklin,	McMaster,
Carmichael, Pr't.	Galt,	Merrick,
Alvey,	Giddings,	Mitchell,
Archer,	Gill,	Morris,
Austin,	Goldsborough, D.	Motter,
Barnes,	Goldsborough, T.	Murray,
Barry,	Groome,	Nelson,
Bateman,	Hall,	Nicolai,
Bell,	Hammond,	Parker,
Bennett,	Hayden,	Parran, Chas. S.
Bradley,	Henderson,	Pleasants,
Brent,	Hoblitzell,	Pole,
Brewer, of B. city,	Hollyday,	Rider,
Brewer, of Mont.	Horsey, of Fred.	Riggs,
Brooke,	Horsey, of Som.	Ringgold,
Brown,	Howard,	Ritchie,
Buchanan,	Howison,	Silver,
Carter,	Jamison,	Spates,
Chambers,	Johnson,	Stoddert,
Cunningham,	Jones,	Syester,
Denson,	Keating,	Tarr, of Caroline,
Dent,	Kennedy,	Tarr, of Wor.
Devries,	Kilbourn,	Thomas,
Dorsey,	Lee,	Toadvine,
Evans,	Longwell,	Vansant,
Farnandis,	Mackubin,	Walsh,

Ferry,	Marbury,	Watkins, of Car.
Finley,	Massey,	Watkins, of Mont.
Flaherty,	Maulsby,	Wethered,
Ford,	McCormick,	Wickes,
Franck,	McKaig,	Wilkinson—92.

NEGATIVE.

Messrs.

Duvall,

Rennolds—2.

The Convention then proceeded to the consideration of the Report of the Committee respecting Future Amendments to the Constitution,

Said Report being upon a third reading,

Pending which,

On motion of Mr. Lee, Chairman of the Committee upon Revision and Compilation, submitted the following Report :

The Committee on Revision and Compilation, to which was referred the Engrossed Report of the Committee respecting Future Amendments to the Constitution, has carefully revised the same, and recommends the following amendments. The lines referred to are those of the Engrossed Copy of the Report, printed under the order of the Constitution of the 20th of June, 1867 :

1st. Sec. 1. Strike out the first section to the word "House," inclusive, in the 8th line, and insert the words "The General Assembly may propose amendments to this Constitution ; provided, that each amendment shall be embraced in a separate bill, embodying the Article or Section, as the same will stand when amended, and passed by three-fifths of all the members elected to each of the two Houses, by yeas and nays, to be entered on the Journal, with the proposed amendment." Same section, lines 17, 18, strike out the word "confirmation," and insert the word "adoption." Line 23, strike out the words "of the confirmation." Line 27, insert the word "said," before the word "Constitution." Same section, line 23, strike out the words "and form of government of this State."

2d. Sec. 2, line 2. After the word "taking," strike out the words "the sense of the people of this State, whether they desire or not that there shall be a Convention to revise, alter, or amend the Constitution." Line 6, after the word "thereafter," insert the words "the sense of the people in regard to calling a Convention for altering this Constitution." Line 8, strike out down to the word "Convention," in the 10th line, and after the word "Law," insert the words "for the assembling of such Convention, and for the election

of Delegates thereto. Each County and Legislative District of the City of Baltimore, shall have in such Convention a number of Delegates equal to its representation in both Houses at the time at which the Convention is called." Line 13, after the word "State," strike out the words "at a general election."

Respectfully submitted,

J. F. LEE,

Chairman.

Which was adopted.

The Report of the Committee respecting Future Amendments to the Constitution,

Was then read a third time, and passed by yeas and nays as follows :

AFFIRMATIVE.

Messrs.	Galt,	Mitchell,
Carmichael, Pr't.	Giddings,	Morris,
Alvey,	Gill,	Motter,
Archer,	Goldsborough, D.	Murray,
Austin,	Goldsborough, T.	Nelson,
Barnes,	Groome,	Nicolai,
Barry,	Hall,	Page,
Bateman,	Hammond,	Parran, Chas. S.
Bell,	Hayden,	Pleasants,
Bennett,	Henderson,	Pole,
Bradley,	Hoblitzell,	Rennolds,
Brent,	Hollyday,	Rider,
Brewer, B. city,	Horsey, of Fred.	Riggs,
Brewer, of Mont.	Horsey, of Som.	Ringgold,
Brooke,	Howard,	Ritchie,
Brown,	Howison,	Silver,
Buchanan,	Jamison,	Spates,
Carter,	Johnson,	Starr,
Chambers,	Jones,	Stoddert,
Cunningham,	Keating,	Syester,
Denson,	Kennedy,	Tarr, Car.
Dent,	Kilbourn,	Tarr, of Wor.
Devries,	Lee,	Thomas,
Dorsey,	Longwell,	Toadvine,
Duvall,	Mackubin,	Vasant,
Evans,	Marbury,	Walsh,
Farnandis,	Massey,	Watkins, of Car.
Ferry,	Maulsby,	Watkins, of Mont.
Finley,	McCormick,	Wethered,
Flaherty,	McKaig,	Whitman,
Ford,	McMaster,	Wickes,
Franck,	Merrick,	Wilkinson—96.
Franklin,		

NEGATIVE—None.

On motion of Mr. Vansant,

The vote by which the Convention on yesterday rejected the Report of the Committee upon Public Works and Corporations, title, Article—City of Baltimore, was reconsidered,

The question then recurring upon the passage of the Report,

On motion of Mr. Carter,

The Report was opened for amendment, when

Mr. Carter submitted the following amendment:

Amendment to Article —City of Baltimore: In line 3 of Section 1, and line 3 of Section 3, strike out the word "Second," and insert in lieu thereof, "Fourth;"

Which was adopted.

The Report, as amended, was then read a third time, and passed,

By yeas and nays as follows :

AFFIRMATIVE.

Messrs.		
Carmichael, Pr't.	Galt,	Merrick,
Alvey,	Giddings,	Mitchell,
Archer,	Gill,	Morris,
Austin,	Goldsborough, D.	Motter,
Barnes,	Goldsborough, T.	Murray,
Barry,	Groome,	Nelson,
Bateman,	Hall,	Parker,
Bell,	Hammond,	Parran, Chas. S.
Bennett,	Hardcastle,	Pleasants,
Bradley,	Hayden,	Pole,
Brent,	Henderson,	Rennolds,
Brewer, of Mont.	Hoblitzell,	Rider,
Brooke,	Hodson,	Riggs,
Brown,	Hollyday,	Ringgold,
Buchanan,	Horse, of Fred.	Ritchie,
Carter,	Horse, of Som.	Silver,
Chambers,	Howard,	Spates,
Cunningham,	Jamison,	Stoddert,
Denson,	Johnson,	Syester,
Dent,	Jones,	Tarr, of Caroline,
Devries,	Keating,	Tarr, of Wor.
Dorsey,	Kennedy,	Thomas,
Davall,	Kilbourn,	Toadvine,
Evans,	Lee,	Vansant,
	Longwell,	Walsh,

Farnandis,	Mackubin,	Watkins, of Car.
Ferry,	Marbury,	Watkins, of Mont.
Finley,	Massey,	Wethered,
Flaherty,	Maulsby,	Whitman,
Ford,	McCormick,	Wickes,
Franck,	McKaig,	Wilkinson—94.
Franklin,	McMaster,	

NEGATIVE.

None.

On motion of Mr. Mackubin,

The Convention then resolved itself into a Committee of the Whole, to consider and report upon the Report of the Committee upon Public Works and Corporations, title, Article—Public Works;

Mr. Dent in the Chair.

After some time spent in Committee of the Whole,

The Committee rose.

(The President resumed the Chair,)

And through Mr. Dent, Chairman, reported that they had had under consideration the Report of the Committee upon Public Works and Corporations, title, Article—Public Works, had made some progress therein, but had come to no conclusion thereon, and asked leave to sit again.

The Report was received, and leave granted.

Mr. Wilkinson moved that the vote by which the order fixing eight o'clock as the hour for opening the evening sessions of the Convention, was adopted, be reconsidered ;

Decided in the negative.

On motion of Mr. Walsh,

At 2 o'clock and 50 minutes P. M., the Convention took a recess until 8 o'clock this P. M.

PROCEEDINGS
IN COMMITTEE OF THE WHOLE.

Tuesday, August 13, 1867.

The Committee met.

Mr. Dent in the Chair.

The Committee resumed the consideration of the unfinished business of yesterday, being the Report of the Committee upon Public Works and Corporations, title, Article—Public Works.

The question recurring upon the motion submitted by Mr. Syester, to strike out Section 3,

Pending which,

Mr. Walsh moved that the Committee now rise, and report that they have had under consideration the Report of the Committee upon Public Works and Corporations, title, Article—Public Works, have made some progress therein, but have come to no conclusion thereon, and ask leave to sit again ;

Which was decided in the affirmative.

The Committee then rose.

EVENING SESSION, AUGUST 13, 1867.

The Convention met.

Present at the call of the roll the following members :

Messrs. Carmichael, (President,) Alvey, Archer, Austin, Barnes, Barry, Bateman, Bell, Bennett, Bradley, Brent, Brewer, of Montgomery, Brooke, Brown, Buchanan, Carter, Chambers, Cosgrove, Cunningham, Denson, Dent, Devries, Dobbin, Dorsey, Duvall, Evans, Farnandis, Finley, Ford, Franklin, Galt, Giddings, Gill, Goldsborough, of Dorchester, Goldsborough, of Talbot, Groome, Hall, Hammond, Hardcastle, Hayden, Hoblitzell, Hodson, Hollyday, Horsey, of Frederick, Howard, Howison, Hubbard, Ireland, Johnson, Jones, Keating, Kennedy, Lee, Longwell, Mackubin, Manro, Marbury, Maulsby, McCormick, McKaig, McMaster, McPherson, Merrick, Mitchell, Morris, Motter, Murray, Nelson, Page, Parker, Charles S. Parran, John Parran, Pleasants, Pole, Rider, Riggs, Ringgold, Ritchie, Roman, Silver, Spates, Starr, Stoddert, Syester, Tarr, of Caroline, Tarr, of Worcester, Thomas, Toadvine, Walsh, Watkins, of Caroline, Watkins, of Montgomery, Wethered, Wickes, Wilkinson—92.

The Convention proceeded to the consideration of the Report of the Committee upon Public Works and Corporations, title, Article—Public Works ;

Pending which,

On motion of Mr. Barry,

The Convention resolved itself into a Committee of the Whole, to consider and report upon the Report of the Committee upon Public Works and Corporations, title, Article—Public Works ;

Mr. Dent in the Chair.

After some time spent in Committee of the Whole.

The Committee rose,

(The President resumed the Chair,)

And through Mr. Dent, Chairman, reported that they had had under consideration the Report of the Committee upon Public Works, title, Article—Public Works, had made some

progress therein, but had come to no conclusion thereon, and asked leave to sit again ;

The Report was received, and leave granted.

On motion of Mr. Syester,

At 10 o'clock and 45 minutes P. M., the Convention adjourned.

PROCEEDINGS

IN COMMITTEE OF THE WHOLE.

Tuesday Evening, August 13, 1867.

The Committee met.

Mr. Dent in the Chair.

The Committee resumed the consideration of the Report of the Committee upon Public Works and Corporations, title, Article—Public Works ;

The question recurring upon the motion submitted by Mr. Syester, to strike out the whole Section ;

Pending which,

Mr. Motter moved that the Committee now rise, and report that they have had under consideration the Report of the Committee upon Public Works and Corporations, title, Article—Public Works, have made some progress therein, but have come to no conclusion thereon, and ask leave to sit again ;

Decided in the affirmative.

The Committee then rose.

WEDNESDAY, August 14, 1867.

The Convention met.

Prayer by Rev. Mr. Henderson.

Present at the call of the roll the following members :

Messrs. Carmichael, (President,) Alvey, Archer, Austin, Barnes, Barry, Bateman, Bell, Bennett, Bradley, Brent, Brewer, of Baltimore city, Brewer, of Montgomery, Brooks, Brown, Buchanan, Carter, Chambers, Cosgrove, Cunningham, Denson, Dent, Devries, Dobbin, Dorsey, Duvall, Evans, Farnandis, Ferry, Finley, Flaherty, Ford, Franck, Franklin, Galt, Garey, George, Giddings, Gill, Goldsborough, of Dorchester, Goldsborough, of Talbot, Groome, Hall, Hammond, Hardcastle, Hayden, Hoblitzell, Hodson, Hollyday, Horsey, of Frederick, Horsey, of Somerset, Howard, Howison, Ireland, Jamison, Johnson, Jones, Keating, Kennedy, Kilbourn, Lee, Longwell, Mackubin, Mauro, Marbury, Massey, Maulsby, McCormick, McKaig, McMaster, McPherson, Merrick, Merryman, Mitchell, Morris, Motter, Murray, Nelson, Nicolai, Parker, Charles S. Parran, John Parran, Peters, Pleasants, Pole, Rennolds, Rider, Riggs, Ringgold, Ritchie, Roman, Silver, Spates, Starr, Stoddert, Syester, Tarr, of Caroline, Tarr, of Worcester, Thomas, Toadvine, Vansant, Walsh, Watkins, of Caroline, Watkins, of Montgomery, Wethered, Wickes, Wilkinson—107.

The proceedings of yesterday were read and approved.

Mr. Longwell submitted the following order :

Ordered, That the Committee on Accounts be instructed to pay to Rev. Messrs. Hammond, Henderson, Burke, and Leech, one hundred dollars each, for officiating as Chaplains to this Convention ;

Which was adopted.

On motion of Mr. Giddings,

The vote by which the Report of the Committee upon the Department of Labor and Agriculture was, on Tuesday, 10th August, rejected,

Was reconsidered.

The question then recurring upon the passage of the Report,

Mr. Kilbourn moved that the Report be opened, to enable him to submit the following amendment :

Strike out, in the 2d and 3d lines, "and the Immigration Agent;" also strike out, in the 3d line, "those officers were," and insert, "that officer was;" and in the 6th and 7th lines strike out the words, "officers before mentioned," and insert, "office of Commissioner of Immigration."

Decided in the negative.

The Report of the Committee upon the Department of Labor and Agriculture was then read a third time, and passed,

By yeas and nays as follows :

AFFIRMATIVE.

Messrs.		
Carmichael, Pr't.	Garey,	Merryman,
Alvey,	George,	Mitchell,
Archer,	Giddings,	Motter,
Austin,	Gill,	Murray,
Barnes,	Goldsborough, D.	Nelson,
Barry,	Goldsborough, T.	Page,
Bell,	Hall,	Parker,
Brent,	Hardcastle,	Parran, Chas. S.
Brewer, of Mont.	Hodson,	Parran, John,
Brooke,	Hollyday,	Pole,
Buchanan,	Horsey, of Fred.	Rennolds,
Carter,	Ireland,	Rider,
Cunningham,	Jamison,	Ringgold,
Denson,	Johnson,	Ritchie,
Dent,	Kennedy,	Silver,
Devries,	Kilbourn,	Starr,
Dobbin,	Lee,	Tarr, of Car.
Dorsey,	Mackubin,	Tarr, of Wor.
Evans,	Manro,	Thomas,
Ferry,	Marbury,	Toadvine,
Finley,	Massey,	Vansant,
Flaherty,	Maulsby,	Walsh,
Ford,	McKaig,	Watkins, of Mont.
Franck,	McMaster,	Wethered,
Franklin,	McPherson,	Wickes,
	Merrick,	Wilkinson—77.

NEGATIVE.

Messrs.		
Bateman,	Galt,	McCormick,
Bennett,	Groome,	Morris,
Bradley,	Hayden,	Peters,
Brewer, Balto. C.	Hoblitzell,	Pleasants,
Brown,	Horsey, of Som.	Riggs,
Chambers,	Howard,	Spates,
Cosgrove,	Jones,	Stoddert,
Duvall,	Keating,	Watkins, of Car.
	Longwell,	

The hour having arrived for taking up the order of the day,

Being the Reports of the Committees upon a third reading,

The Convention proceeded to the consideration of the Report of the Committee upon the Judiciary Department.

Pending which,

On motion of Mr. Lee, Chairman of the Committee upon Revision and Compilation, the Report was opened for amendment.

Mr. Lee submitted the following:

3d. Sec. 5, line 9. Strike out the word "second," and insert the word "fourth."

4th. Sec. 8, line 14. After the word "any," insert the word "such."

5th. Sec. 10, line 7. Strike out the word "visitatorial," and insert the word "visitorial."

6th. Sec. 11, line 5. Strike out the words, "proper clerk of the Supreme," and insert the words, "clerk of the Superior."

7th. Sec. 14, line 3. Strike out the word "the," where it first occurs, and insert the letter "a;" line 6, strike out all from the beginning of this line down to the word "Assembly," inclusive, in the 10th line. Line 12, add after "Judge" in line 12, the following: "the Judge of the Court of Appeals from the city of Baltimore shall be elected by the qualified voters of said city, at the election of Judges to be held therein, as heretofore provided, and in addition to his duties, as Judge of the Court of Appeals, shall perform such other duties as the General Assembly shall prescribe." In line 12 strike out "and," and insert after "Court," in same line, "of Appeals."

8th. Sec. 17, line 3. Insert the word "and" before the word "until."

9th. Sec. 18, lines 4, 5. Strike out the brackets; line 7, after the word "appeal," insert the word "and;" line 8, after the word "and," insert the word "shall;" line 12, after the word "therein," insert, "and the said Judges shall make such reductions in the fees and expenses of the said Court as they may deem advisable;" line 21, strike out the word "such," and insert the word "all;" line 24, after the word "Assembly," strike out the remainder of the Section.

10th. Sec. 21, line 19. Strike out the word "may" and insert the word "shall."

11th. Sec. 22, line 2. Insert the word "the" before the word "decision."

12th. Sec. 25. At the end of the Section add the words, "for the term of six years."

13th. Sec. 28, line 6. After the word "and," insert the word "except;" line 7, after the word "and," insert the word "in;" line 10, before the words "City Court," insert the word "Baltimore."

14th. Sec. 29, line 4. Add the letter "s" to the word "application."

15th. Sec. 36, line 4. After the word "Baltimore," insert the word "city."

16th. Sec. 37, line 9. Strike out the words, "the amount hereinbefore provided," and insert, "thirty-five hundred dollars a year;" same line strike out the word "quarterly," and insert the word "only;" at the end of the Section add the words, "and the provisions of this Article in relation to the appointment of deputies by the Clerks of the Circuit Courts in the counties, shall apply to the Clerks of the Courts in Baltimore city."

17th. Sec. 39, line 14. After the word "reapportion," insert the words, "change or enlarge;" same line, strike out the word "among," and insert the word "of;" line 17, after the word "Baltimore," when it first occurs, insert the word "city."

18th. Sec. 41, line 9. Insert letter "s," after the word "Judge."

Respectfully submitted,

J. F. LEE,

Chairman.

Which was adopted.

Mr. Watkins, of Montgomery, moved to open the Report to enable him to submit the following amendment to Section 24, line 2:

Strike out the words, "seven hundred and fifty," and insert the words, "two hundred."

The question recurring upon sustaining the motion,

Mr. Watkins demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Galt,	Murray,
Austin,	Goldsborough, D.	Nicolai,
Bateman,	Groome,	Parker,
Bell,	Hall,	Parran, Chas. S.
Bennett,	Hardcastle,	Peters,
Bradley,	Hodson,	Pole,
Brewer, of Mont.	Hollyday,	Rennolds,
Chambers,	Horsey, of Som.	Riggs,
Cosgrove,	Howard,	Ringgold,
Cunningham,	Jamison,	Silver,
Duvall,	Longwell,	Starr,
Evans,	Manro,	Syester,
Farnandis,	Massey,	Tarr, of Car.
Ferry,	McCormick,	Thomas,
Franck,	McMaster,	Watkins, M--48.
Franklin,	Morris,	

NEGATIVE.

Messrs.	George,	McKaig,
Carmichael, P't.	Giddings,	McPherson,
Alvey,	Gill,	Merrick,
Archer,	Hammond,	Merryman,
Barry,	Hayden,	Motter,
Brent,	Hoblitzell,	Nelson,
Brewer, B. city,	Horsey, of Fred.	Page,
Brown,	Howison,	Parran, John,
Buchanan,	Ireland,	Pleasants,
Carter,	Johnson,	Rider,
Denson,	Jones,	Ritchie,
Dent,	Keating,	Vansant,
Devries,	Kennedy,	Walsh,
Dobbin,	Kilbourn,	Watkins, of Car.
Dorsey,	Mackubin,	Wethered,
Finley,	Marbury,	Wickes,
Ford,	Maulsby,	Wilkinson—51.
Garey,		

So the motion of Mr. Watkins, of Montgomery, was not sustained.

Mr. Alvey moved that the Report be opened for amendment, to enable him to submit the following amendment :

Sec. 24. Strike out the words "seven hundred and fifty," in the second line, and insert "five hundred," and strike out the word "six," in third line, and insert "eight ;"

The question recurring upon sustaining the motion,

Mr. Watkins, of Montgomery, demanded the yeas and nays ;

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Goldsborough, T.	McMaster,
Alvey,	Groome,	Murray,
Archer,	Hall,	Nelson,
Austin,	Hammond,	Nicolai,
Barry,	Hardcastle,	Parker,
Bateman,	Hayden,	Parran, Chas. S.
Bell,	Hodson,	Parran, John,
Bradley,	Horse, of Som.	Peters,
Buchanan,	Howard,	Rennolds,
Carter,	Howison,	Ringgold,
Chambers,	Jamison,	Roman,
Cosgrove,	Johnson,	Starr,
Dent,	Keating,	Stoddert,
Devries,	Kennedy,	Syester,
Dorsey,	Kilbourn,	Tarr, of Caroline,
Evans,	Lee,	Tarr, of Worces'r.
Farnandis,	Longwell,	Walsh,
Ferry,	Mackubin,	Watkins, of Car.
Finley,	Manro,	Watkins, of Mont.
Franklin,	Massey,	Wethered,
Giddings,	McCormick,	Wickes—64.
Goldsborough, D.	McKaig,	

NEGATIVE.

Messrs.	Franck,	Merryman,
Carmichael, Pr't.	Galt,	Morris,
Bennett,	Garey,	Motter,
Brent,	George,	Page,
Brewer, Balt. city,	Gill,	Pleasants,
Brewer, of Mont.	Hollyday,	Pole,
Brown,	Horse, of Fred'k	Rider,
Cunningham,	Ireland,	Riggs,
Denson,	Jones,	Ritchie,
Dobbin,	Maulsby,	Thomas,
Duvall,	McPherson,	Vansant,
Flaherty,	Merrick,	Wilkinson—36.
Ford,		

So the motion submitted by Mr. Alvey was sustained.

The question then recurring upon the adoption of the amendment, viz :

Section 24, line 2. Strike out the words "seven hundred and fifty," and insert the words "five hundred." In line 3, strike out the word "six," and insert the word "eight,"

It was adopted.

Mr. Bradley moved that the Report be opened to enable him to submit the following amendment :

44th Sec. Strike out the word "second," in the second line, and insert the word "fourth ;" also, strike out in the fifth line the word "two," and insert the word "four ;" and, also, in the seventh line, strike out the word "two," and insert the word "four."

The question recurring upon sustaining the motion,

Mr. Nicolai, demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Galt,	Longwell,
Bateman,	Gill,	Mackubin,
Bradley,	Groome,	Motter,
Brent,	Hall,	Parran, Chas. S.
Brown,	Hammond,	Peters,
Chambers,	Hayden,	Pole,
Cosgrove,	Hoblitzell,	Rennolds,
Cunningham,	Horse, of Frd'k.	Ritchie,
Dobbin,	Howard,	Spates,
Duvall,	Ireland,	Watkins, of Mont
Ferry,	Jamison,	Wickes,
Ford,	Keating,	Wilkinson—35.

NEGATIVE.

Messrs.	Garey,	Merryman,
Carmichael, Pr't.	George,	Morris,
Alvey,	Giddings,	Murray,
Archer,	Goldsborough, D.	Nelson,
Austin,	Goldsborough, T.	Nicolai,
Barnes,	Hodson,	Parker,
Barry,	Hollyday,	Parran, John,
Bell,	Horse, of Som.	Pleasants,
Bennett,	Howison,	Rider,
Brewer, of B. city	Johnson,	Riggs,
Brewer, of Mont.	Jones,	Ringgold,
Buchanan,	Kennedy,	Silver,
Carter,	Kilbourn,	Starr,
Dent,	Lee,	Stoddert,

Devries,	Manro,	Syester,
Dorsey,	Massey,	Tarr, of Caroline,
Evans,	Maulsby,	Tarr, of Wor.
Farnandis,	McCormick,	Thomas,
Finley,	McKaig,	Vansant,
Flaherty,	McMaster,	Walsh,
Franck,	McPherson,	Watkins, of Car
Franklin,	Merrick,	Wethered—65.

So the motion submitted by Mr. Bradley was not sustained.

On motion of Mr. Gill,

The Report was opened for amendment, when Mr. Gill submitted the following amendment :

And said Judge or Judges shall from time to time investigate the expenses, costs and charges of their respective Courts, with a view to a change or reduction thereof, and report the result of such investigation to the General Assembly for its action ;

Which was adopted.

On motion of Mr. Carter,

The Report was opened for amendment, when Mr. Carter submitted the following amendment :

Sec. 9. Add after the word " necessary," in line 2, " and such officers of the Courts in the City of Baltimore, shall be appointed by the Judges of the Supreme Bench of Baltimore City ;"

Which was adopted.

Mr. John Parran moved that the Report be opened for amendment, to enable him to submit the following amendment :

Sec. 19, line 9. Strike out the word " Calvert ;" and in line 7, after the words " Anne Arundel," insert the word " Calvert ;"

Decided in the negative.

On motion of Mr. Wickes,

The further consideration of the Report of the Committee upon the Judiciary Department was informally postponed.

The Convention then proceeded to the consideration of the Report of the Committee on the formation of a new County, to be composed of parts of Somerset and Worcester Counties,

Said Report being upon a third reading ;

Mr. Lee, Chairman of the Committee upon Revision and Compilation submitted the following

REPORT:

The Committee on Revision and Compilation, to which was referred the Engrossed Report of the Committee on the Formation of a New County, to be composed of parts of Somerset and Worcester Counties, has revised the same, and reports it without amendment.

Respectfully submitted,

J. F. LEE,

Chairman.

Which was concurred in.

The third reading of the Report was then proceeded with.

On motion of Mr. Jones,

The Report was opened for amendment,

When Mr. Jones submitted the following :

Strike out in line 5, Section 2d, all after the word "shares," to the word "and," after Counties, in 7th line, and insert, "of the then existing debts and obligations of the said Counties, according to the last assessment in said Counties, to be ascertained and apportioned by the Circuit Court of Somerset County, as to the debts and obligations of said County; and by the Circuit Court of Worcester County, as to the debts and obligations of Worcester County, on the petition of the County Commissioners of the said Counties, respectively ; and the property in each part of the said Counties, included in said new County, shall be bound only for the share of the debts and obligations of the County from which it shall be separated ;"

Which was adopted.

On motion of Mr. Rider,

The Report was opened for amendment, when

Mr. Rider submitted the following amendment :

Sec. 4. The County of Wicomico, if formed according to the provisions of this Constitution, shall be embraced in the First Judicial Circuit, and the times for holding the Courts therein shall be fixed and determined by the General Assembly ;

Which was adopted.

The Report of the Committee upon the Formation of a New County, to be composed of parts of Worcester and Som-

erset Counties, as amended, was then read a third time and passed, by yeas and nays as follows :

AFFIRMATIVE.

Messrs.		
Austin,	Giddings,	Nelson,
Barnes,	Goldsborough, D.	Nicolai,
Barry,	Goldsborough, T.	Parran, Chas. S.
Bateman,	Groome,	Parran, John,
Bell,	Hall,	Peters,
Bennett,	Hammond,	Rennolds,
Bradley,	Hardcastle,	Rider,
Brent,	Hoblitzell,	Riggs,
Brewer, of B. city	Hodson,	Ringgold,
Brewer, of Mont.	Howison,	Ritchie,
Brooke,	Ireland,	Roman,
Chambers,	Jamison,	Silver,
Cosgrove,	Johnson,	Spates,
Denson,	Keating,	Starr,
Dent,	Kilbourn,	Stoddert,
Dorsey,	Longwell,	Syester,
Duvall,	Manro,	Tarr, of Car.
Ferry,	Marbury,	Tarr, of Wor.
Finley,	Massey,	Thomas,
Ford,	Maulsby,	Toadvine,
Franck,	McPherson,	Vansant,
Galt,	Merryman,	Watkins, of Car.
Garey,	Mitchell,	Watkins, of Mont
George,	Morris,	Wickes,
	Murray,	Wilkinson—74.

NEGATIVE.

Messrs.		
Carmichael, Pr't.	Franklin,	Mackubin,
Alvey,	Gill,	McCormick,
Archer,	Hayden,	McKaig,
Brown,	Hollyday,	McMaster,
Carter,	Horse, of Frd'k.	Merrick,
Cunningham,	Horse, of Som. ,	Page,
Devries,	Howard,	Parker,
Dobbin,	Jones,	Pleasants,
Evans,	Kennedy,	Pole,
Farnandis,	Lee,	Walsh—30.

On motion of Mr. Carter,

The Convention then resumed the consideration of the Report of the Committee upon the Judiciary Department, said Report being upon a third reading.

The Report, as amended, was then read a third time, and passed by yeas and nays as follows :

AFFIRMATIVE.

Messrs.	George,	McPherson,
Carmichael, Pr't.	Giddings,	Merrick,
Alvey,	Gill,	Mitchell,
Austin,	Goldsborough, D.	Morris,
Barnes,	Goldsborough, T.	Murray,
Barry,	Hall,	Nelson,
Bateman,	Hammond,	Nicolai,
Bell,	Hardcastle,	Page,
Bennett,	Hayden,	Parran, Chas. S.
Bradley,	Hoblitzell,	Parran, John,
Brewer, B. city,	Hodson,	Peters,
Brown,	Horsey, of Fred.	Pleasants,
Buchanan,	Howard,	Pole,
Carter,	Howison,	Rider,
Chambers,	Hubbard,	Ringgold,
Cosgrove,	Ireland,	Ritchie,
Cunningham,	Jamison,	Silver,
Deuson,	Johnson,	Spates,
Dent,	Jones,	Starr,
Devries,	Keating,	Syester,
Dobbin,	Kennedy,	Tarr, of Car.
Dorsey,	Kilbourn,	Tarr, of Wor.
Duvall,	Lee,	Thomas,
Evans,	Longwell,	Toadvine,
Farnandis,	Mackubin,	Vansant,
Ferry,	Manro,	Walsh,
Finley,	Marbury,	Watkins, Car.
Ford,	Massey,	Wethered,
Franck,	Maulsby,	Wickes,
Garey,	McKaig,	Wilkinson—88.

NEGATIVE.

Messrs.	Groome,	Parker,
Archer,	Hollyday,	Rennolds,
Brewer, of Mont.	Horsey, of Som.	Riggs,
Brooke,	McCormick,	Stoddert,
Franklin,	McMaster,	Watkins, of Mont.
Galt,	Merryman,	—16.

Mr. Dent, Chairman of the Committee upon the Legislative Department (by unanimous consent,) submitted the following Report:

Sec. —. The office of "State Pension Commissioner" is hereby abolished, and the Legislature shall pass no law creating such office, or establishing any general Pension system within this State.

Which was read a first time, and,

On motion of Mr. Carter, (two-thirds of the members present concurring,) a second time.

Mr. Dent moved that the Report be ordered to be engrossed for a third reading.

Mr. Hall demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	George,	Marbury,
Carmichael, Pr't.	Giddings,	Massey,
Alvey,	Gill,	Maulsby,
Archer,	Goldsborough, T.	McCormick,
Austin,	Groome,	McMaster,
Bell,	Hall,	McPherson,
Bennett,	Hayden,	Merrick,
Bradley,	Hodson,	Merryman,
Brent,	Hollyday,	Parker,
Brown,	Horsey, of Fred.	Parran, Jno.
Buchanan,	Horsey, of Som't.	Pleasants,
Carter,	Howard,	Rider,
Chambers,	Howison,	Riggs,
Cunningham,	Ireland,	Ritchie,
Devries,	Jones,	Syester,
Dobbin,	Lee,	Watkins, of Car.
Finley,	Longwell,	Wethered,
Franck,	Mackubin,	Wilkinson—54.
Galt,		

NEGATIVE.

Messrs.	Johnson,	Peters,
Bateman,	Kilbourn,	Pole,
Cosgrove,	Manro,	Rennolds,
Denson,	Mitchell,	Spates,
Dent,	Morris,	Stoddert,
Dorsey,	Motter,	Thomas,
Flaherty,	Murray,	Walsh,
Garey,	Nelson,	Watkins, of Mont.
Hammond,	Nicolai,	—25.

So the motion prevailed and the Report was ordered to be engrossed for a third reading, and referred to the Committee on Revision and Compilation to be prepared for the final action of the Convention.

Mr. Lee, Chairman Committee on Revision and Compilation, reported, without amendment, the Report of the Committee upon the Legislative Department, title, Additional Section to Article—Legislative Department.

On motion of Mr. Jones,

A call of the House was ordered.

At the call of the roll the following members responded to their names :

Messrs. Carmichael, (President,) Alvey, Archer, Austin, Barnes, Barry, Bateman, Bell, Bennett, Bradley, Brent, Brewer, of Baltimore City, Brewer, of Montgomery, Brooke, Brown, Buchanan, Carter, Chambers, Cosgrove, Cunningham, Denson, Dent, Devries, Dobbin, Dorsey, Evans, Farnandis, Flaherty, Ford, Franck, Franklin, Galt, Garey, George, Giddings, Gill, Goldsborough, of Talbot, Groome, Hall, Hammond, Hayden, Hoblitzell, Hodson, Hollyday, Horsey, of Somerset, Howard, Howison, Ireland, Jamison, Jones, Kilbourn, Lee, Longwell, Mackubin, Manro, Marbury, Massey, Maulsby, McCormick, McKaig, McMaster, Merrick, Merryman, Mitchell, Morris, Motter, Murray, Nelson, Nicolai, Parker, John Parran, Pleasants, Pole, Renolds, Rider, Riggs, Ritchie, Roman, Spates, Starr, Stodert, Syester, Tarr, of Caroline, Thomas, Vansant, Walsh, Watkins, of Caroline, Watkins, of Montgomery, Wethered, Wickes, Wilkinson—92.

On motion of Mr. Carter,

All further proceedings under the call were dispensed with.

On motion of Mr. Lee,

(Two-thirds of the members present concurring,)

The Report of the Committee upon the Legislative Department, title, Additional Section to Article—Legislative Department,

Was read a third time, and passed by yeas and nays as follows :

AFFIRMATIVE.

Messrs.	Franck,	Marbury,
Carmichael, Pr't.	Galt,	Massey,
Alvey,	Garey,	Maulsby,
Archer,	George,	McCormick,
Austin,	Giddings,	McKaig,
Barry,	Gill,	McMaster,
Bell,	Goldsborough, T.	McPherson,
Bennett,	Groome,	Merrick,
Bradley,	Hall,	Merryman,
Brewer, of Mont.	Hayden,	Motter,
Brooke,	Hodson,	Murray,
Brown,	Hollyday,	Parker,
Buchanan,	Horsey, of Fred.	Parran, John,

Carter,	Horseý, of Som.	Pleasants,
Chambers,	Howard,	Rider,
Cunningham,	Howison,	Riggs,
Devries,	Ireland,	Silver,
Dobbin,	Jamison,	Starr,
Dorsey,	Johnson,	Tarr, of Car.
Duvall,	Jones,	Watkins, of Car.
Evans,	Kennedy,	Watkins, of M.
Farnandis,	Lee,	Wickes,
Ferry,	Longwell,	Wilkinson—70.
Ford,	Mackubin,	

NEGATIVE.

Messrs.	Hammond,	Rennolds,
Barnes,	Hoblitzell,	Roman,
Bateman,	Kilbourn,	Spates,
Brewer, B. city,	Mitchell,	Syester,
Cosgrove,	Morris,	Vansant,
Denson,	Nelson,	Walsh,
Dent,	Nicolai,	Wethered—22.
Flaherty,	Pole,	

Mr. Carter moved to reconsider the vote by which the order fixing the hour for opening the Evening Sessions was adopted.

Mr. Ford moved that the Convention do now adjourn ;

Mr. Carter demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Flaherty,	Jamison,
Bateman,	Ford,	McKaig,
Brooke,	Franck,	McPherson,
Cosgrove,	Giddings,	Mitchell,
Dent,	Hayden,	Rennolds,
Duvall,	Hoblitzell,	Vansant,
Ferry,	Howard,	Walsh—21.
Finley,		

NEGATIVE.

Messrs.	Garey,	McMaster,
Carmichael, Prt.	George,	Merrick,
Alvey,	Gill,	Motter,
Archer,	Goldsborough, T.	Murray,
Austin,	Groome,	Nicolai,
Barnes,	Hall,	Parker,
Barry,	Hammond,	Parran, John,

Bell,	Hodson,	Pleasants,
Bennett,	Hollyday,	Pole,
Bradley,	Horsey, of Fred.	Rider,
Brewer, of Mont.	Horsey, of Som.	Riggs,
Brown,	Howison,	Roman,
Buchanan,	Ireland,	Silver,
Carter,	Johnson,	Spates,
Chambers,	Jones,	Starr,
Cunningham,	Kennedy,	Syester,
Denson,	Kilbourn,	Tarr, of Caroline,
Devries,	Lee,	Tarr, of Wor.
Dobbin,	Longwell,	Watkins, of Car.
Dorsey,	Mackubin,	Watkins, of Mont.
Evans,	Marbury,	Wethered,
Farnandis,	Massey,	Wickes,
Franklin,	Maulsby,	Wilkinson—70.
Galt,	McCormick,	

So the motion to adjourn did not prevail.

The question then recurring upon the motion submitted by Mr. Carter,

It was sustained.

On motion of Mr. Carter,

The Convention at 3 o'clock and 7 minutes, P. M., took a recess until 7 o'clock, this P. M.

EVENING SESSION, AUGUST 14, 1867.

The Convention met.

Present at the call of the roll the following members :

Messrs. Carmichael, (President,) Alvey, Archer, Austin, Barnes, Barry, Bateman, Bell, Bennett, Bradley, Brent, Brewer, of Baltimore City, Brewer, of Montgomery, Brooke, Brown, Buchanan, Carter, Chambers, Cosgrove, Cover, Cunningham, Denson, Dent, Devries, Dobbin, Dorsey, Duvall, Evans, Farnandis, Finley, Ford, Franklin, Galt, Garey, George, Giddings, Gill, Goldsborough, of Talbot, Groome, Hall, Hammond, Hardcastle, Hayden, Hoblitzell, Hodson, Hollyday, Horsey, of Frederick, Horsey, of Somerset, Howard, Howison, Hubbard, Ireland, Jamison, Janvier, Johnson, Jones, Keating, Kennedy, Lee, Longwell, Mac-kubin, Manro, Marbury, Massey, Maulsby, McCormick, McKaig, McMaster, McPherson, Merrick, Merryman, Mitchell, Morris, Motter, Murray, Nelson, Nicolai, Page, Chas. S. Parran, John Parran, Pleasants, Pole, Rider, Riggs, Ringgold, Ritchie, Roman, Silver, Spates, Starr, Stoddert, Syester, Tarr, of Caroline, Tarr, of Worcester, Thomas, Toadvine, Walsh, Watkins, of Montgomery, Wethered, Wickes, Wilkinson—101.

The Convention then resumed the consideration of the unfinished business of yesterday,

Being the Report of the Committee upon Public Works and Corporations, title, Article—Public Works ;

Pending which,

On motion of Mr. Wilkinson,

The Convention resolved itself into a Committee of the Whole,

Mr. Dent in the Chair,

To consider and report upon the Report of the Committee upon Public Works and Corporations, title, Article—Public Works.

After some time spent in Committee of the Whole,

The Committee rose.

The President resumed the Chair,

And through Mr. Dent, Chairman, reported that they had had under consideration the Report of the Committee upon Public Works and Corporations, title, Article—Public

Works, had made some progress therein, but had come to no conclusion thereon, and asked leave to sit again.

The Report was received, and leave granted.

On motion of Mr. Syester,

At 9 o'clock and 15 minutes, P. M., the Convention adjourned.

P R O C E E D I N G S IN COMMITTEE OF THE WHOLE,

Wednesday Evening, August 14, 1867.

The Committee met.

Mr. Dent in the Chair.

The Committee resumed the consideration of the Report of the Committee upon Public Works and Corporations, title, Article—Public Works.

The question recurring upon the motion of Mr. Syester to strike out the 3d Section said Report,

Pending which,

Mr. Carter moved that the Committee rise, report progress, and ask leave to be discharged from the further consideration of the subject.

Mr. Stoddert moved, as a substitute for the motion submitted by Mr. Carter, that the Committee now rise and report that they have had under consideration the Report of the Committee upon Public Works and Corporations, title, Article—Public Works, have made some progress therein, but have come to no conclusion thereon, and ask leave to sit again.

Decided in the affirmative.

The Committee then rose.

THURSDAY, August 15, 1867.

The Convention met.

Prayer by Rev. Mr. Burke.

Present at the call of the roll the following members :

Messrs. Carmichael, (President,) Alvey, Archer, Austin, Barnes, Barry, Bateman, Bell, Bennett, Bradley, Brent, Brewer, of Baltimore City, Brewer, of Montgomery, Brooke, Brown, Buchanan, Carter, Chambers, Cosgrove, Cover, Cunningham, Denson, Dent, Devries, Dobbin, Dorsey, Duvall, Emack, Evans, Farnandis, Ferry, Finley, Ford, Franck, Franklin, Galt, Garey, George, Giddings, Gill, Goldsborough, of Dorchester, Goldsborough, of Talbot, Groome, Hall, Hammond, Hardcastle, Hayden, Henderson, Hoblitzell, Hodson, Hollyday, Horsey, of Frederick, Horsey, of Somerset, Howard, Howison, Hubbard, Ireland, Jamison, Janvier, Johnson, Jones, Keating, Kennedy, Kilbourn, Lee, Longwell, Mackubin, Manro, Marbury, Massey, Maulsby, McCormick, McKaig, McMaster, McPherson, Merrick, Mer-ryman, Mitchell, Morris, Motter, Murray, Nelson, Nicolai, Page, Charles S. Parran, John Parran, Peters, Pleasants, Pole, Rennolds, Rider, Riggs, Ringgold, Ritchie, Roman, Silver, Spates, Starr, Stoddert, Syester, Tarr, of Caroline, Tarr, of Worcester, Thomas, Toadvine, Vansant, Walsh, Watkins, of Caroline, Watkins, of Montgomery, Wethered, Wickes, Wilkinson—111.

The proceedings of yesterday were read and approved.

Mr. Emack submitted the following order :

Ordered, That it be entered on the Journal of this Convention, that Elbert G. Emack's absence from his seat for the past two days, was caused by indisposition ;

Which was adopted.

The hour having arrived for taking up the order of the day,

Being the Report of Committees upon a third reading,

The Convention proceeded to the consideration of the Report of the Committee to which was referred all such parts of the present Constitution as had not been referred to any other Committee.

Said Report being upon a third reading,

Pending which,

On motion of Mr. Carter,

The Report was opened for amendment by the Committee upon Revision and Compilation,

When Mr. Lee, Chairman said Committee submitted the following

REPORT :

The Committee on Revision and Compilation, to which was referred the Engrossed Report of the Committee to which was referred all such parts of the present Constitution as had not been referred to any other Committee, has carefully revised the same, and recommends the following amendments. The lines referred to, are those of the Engrossed Report of the Committee, printed under the order of the Convention of the 20th of June, 1867.

1st. Sec. 1, line 3, strike out the word "and," and insert after the word "constables," the words "and coroners."

Line 25, after the word "and," insert "such officers shall;" strike out the words "according to their present tenure," same line ;

2d. Sec. 3, line 4, after the word "unless," insert the words "inconsistent with, or;"

3d. Sec. 7, line 4, strike out the word "which," and insert the word "who ;"

4th. Add as Section 10, the following: "Any officers elected or appointed in pursuance of the provisions of this Constitution, may qualify, either according to the existing provisions of law, in relation to officers under the present Constitution, or before the Governor of the State, or before any Clerk of any Court of Record in any part of the State ; but in case an officer shall qualify out of the county, in which he resides, an official copy of his oath shall be filed and recorded in the Clerk's office of the Circuit Court of the county in which he may reside, or in the Clerk's office of the Superior Court of the City of Baltimore, if he shall reside therein."

Respectfully submitted,

J. F. LEE,

Chairman.

Which, on motion of Mr. Carter,

Was adopted.

The Report of the Committee to which was referred all such parts of the present Constitution as had not been referred to any other Committee,

Was then read a third time, as amended,

And passed by yeas and nays as follows :

AFFIRMATIVE.

Messrs,	George,	McKaig,
Carmichael, Pr't.	Giddings,	McPherson,
Alvey,	Gill,	Merrick,
Austin,	Goldsborough, D.	Merryman,
Barry,	Goldsborough, T.	Mitchell,
Bateman,	Groome,	Morris,
Bell,	Hall,	Motter,
Bennett,	Hammond,	Murray,
Bradley,	Hayden,	Nicolai,
Brent,	Henderson,	Parran, Chas. S.
Brewer, of Mont.	Hodson,	Parran, John,
Brooke,	Hollyday,	Pleasants,
Brown,	Horse, of Som.	Pole,
Buchanan,	Howard,	Riggs,
Carter,	Howison,	Ringgold,
Chambers,	Hubbard,	Ritchie,
Cover,	Ireland,	Silver,
Cunningham,	Jamison,	Spates,
Denson,	Janvier,	Starr,
Dent,	Johnson,	Stoddert,
Devries,	Jones,	Syester,
Dobbin,	Keating,	Tarr, of Car.
Dorsey,	Kennedy,	Tarr, Worc'r.
Duvall,	Kilbourn,	Thomas,
Emack,	Lee,	Toadvine,
Evans,	Longwell,	Vansant,
Ferry,	Mackubin,	Walsh,
Finley,	Manro,	Watkins, of Car.
Ford,	Marbury,	Watkins, of Mont.
Franck,	Massey,	Wethered,
Franklin,	Maulsby,	Wickes,
Galt,	McCormick,	Wilkinson—96.
Garey,		

NEGATIVE.

Messrs.	Cosgrove,	Peters,
Barnes,	McMaster,	Rennolds—5.

On motion of Mr. Carter, (the rules being suspended, two-thirds of all the members present concurring,)

The vote by which the order was adopted on Tuesday, 6th August, under which the Convention determined to adjourn 15th August, was reconsidered.

The question then recurring upon the adoption of the order,

On motion of Mr. Carter,

It was laid on the table.

On motion of Mr. Tarr, of Caroline,

The Convention resolved itself into a Committee of the Whole, to consider and report upon the Report of the Committee upon Public Works and Corporations, title, Article—Public Works.

Mr. Dent in the Chair.

After sometime spent in Committee of the Whole,

The Committee rose,

(The President resumed the Chair,)

And through Mr. Dent, Chairman, reported that they had had under consideration the Report of the Committee upon Public Works and Corporations, title, Article—Public Works, had made some progress therein, but had come to no conclusion thereon, and asked leave to sit again.

The Report was received and leave granted.

Mr. Nicolai moved that the Convention do now adjourn.

Mr. Denson demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Cosgrove,	Nelson,
Alvey,	Devries,	Nicolai,
Archer,	Howard,	Syester,
Barnes,	Hubbard,	Tarr, of Car.
Barry,	Manro,	Toadvine,
Bell,	Merryman,	Walsh,
Brewer, of B. city.	Motter,	Wickes,
Brooke,	Murray,	Wilkinson—24.
Chambers,		

NEGATIVE.

Messrs.	Galt,	McCormick,
Carmichael, Pr't.	Giddings,	McMaster,
Austin,	Gill,	McPherson,
Bateman,	Goldsborough, D.	Merrick,
Bradley,	Goldsborough, T.	Morris,
Brewer, Mont'y.	Groome,	Page,
Brown,	Hammond,	Parker,
Buchanan,	Hardcastle,	Pleasants,
Carter,	Hayden,	Pole,
Cunningham,	Hollyday,	Riggs,
Denson,	Howison,	Ritchie,

Dent,	Johnson,	Silver,
Dobbin,	Jones,	Spates,
Dorsey,	Keating,	Starr,
Emack,	Longwell,	Thomas,
Evans,	Mackubin,	Watkins, of Mont.
Farnandis,	Marbury,	Wethered—52.
Franklin,	Maulsby,	

So the motion to adjourn did not prevail.

On motion of Mr. Jones,

The Convention at 3 o'clock and 47 minutes; P. M., took a recess until 8 o'clock this P. M.

P R O C E E D I N G S IN COMMITTEE OF THE WHOLE.

Thursday, August 15, 1867.

The Committee met.

Mr. Dent in the Chair.

The Committee resumed the consideration of the unfinished business of yesterday,

Being the Report of the Committee upon Public Works and Corporations, title, Article—Public Works :

The question recurring upon the motion submitted by Mr. Syester, to strike out the 3d Section said Report,

Pending which,

Mr. Wethered moved that the Committee now rise and report that they have had under consideration the Report of the Committee upon Public Works and Corporations, title, Article—Public Works, have made some progress therein, but have come to no conclusion thereon, and ask leave to sit again,

Which was decided in the affirmative.

The Convention then rose.

EVENING SESSION, AUGUST 15, 1867.

The Convention met.

Present at the call of the roll the following members :

Messrs. Carmichael, (President,) Alvey, Archer, Austin, Barnes, Barry, Bateman, Bell, Bennett, Bradley, Brent Brewer, of Baltimore city, Brewer, of Montgomery, Brooke, Brown, Carter, Chambers, Cosgrove, Cover, Cunningham, Denson, Dent, Devries, Dobbin, Dorsey, Duvall, Emack, Evans, Farnandis, Finley, Ford, Franklin, Galt, Giddings, Gill, Goldsborough, of Dorchester, Goldsborough, of Talbot, Hall, Hammond, Hardcastle, Hayden, Hoblitzell, Hodson, Hollyday, Horsey, of Frederick, Howard, Howison, Hubbard, Ireland, Jamison, Janvier, Jones, Keating, Kennedy, Longwell, Mackubin, Manro, Marbury, Maulsby, McCormick, McKaig, McMaster, McPherson, Merrick, Merryman, Mitchell, Morris, Motter, Murray, Nelson, Nicolai, Page, Parker, Charles S. Parran, John Parran, Pleasants, Pole, Rider, Riggs, Ringgold, Ritchie, Roman, Silver, Spates, Starr, Stoddert, Syester, Tarr, of Caroline, Tarr, of Worcester, Thomas, Toadvine, Walsh, Watkins, of Montgomery, Wethered, Wickes, Wilkinson—93.

On motion of Mr. Merrick,

The rules were suspended, (two-thirds of the members present concurring.)

When Mr. Merrick, submitted the following order :

Ordered, That this Convention adjourn *sine die* at noon on Saturday, August 17th.

Mr. Tarr, of Caroline, submitted the following amendment :

Strike out the word "Saturday 17th," and insert the words "Friday 16th, three o'clock P. M?"

Pending the consideration of which,

Mr. Mackubin moved the previous question ;

The question then being,

"Shall the previous question be now put.

It was sustained.

The question then recurring upon the adoption of the amendment,

It was rejected.

The question then recurring upon the order submitted by Mr. Merrick,

It was adopted.

On motion of Mr. Mackubin,

The Convention resolved itself into a Committee of the whole to consider, and report upon the Report of the Committee upon Public Works and Corporations, title, Article—Public Works.

Mr. Dent in the Chair.

After some time spent in Committee of the Whole, the Committee rose.

(The President resumed the Chair.)

And through Mr. Dent, Chairman, reported that they have had under consideration the Report of the Committee upon Public Works and Corporations, title, Article—Public Works, had made some progress therein, and recommended that the various proposed amendments to Section 3, which had been read before the Committee for information, be entered on the Journal, and ask to be discharged from the further consideration of the subject.

The Report was received, the recommendation concurred in, and the Committee discharged.

The following are the amendments proposed to be submitted as substitutes for Section 3, and ordered to be entered on the Journal.

By Mr. Gill.

Sec. 3. For the purpose of prosecuting efficiently the working of the Chesapeake and Ohio Canal—of preventing any partizan or political management thereof, and for the further purpose of so regulating the tolls as will produce a fair and just remuneration to the Chesapeake and Ohio Canal Company—the following persons be, and are hereby appointed Commissioners to serve without compensation, except for traveling expenses, viz : _____ who, and their successors, to be selected as hereinafter mentioned, or a majority of whom or of their successors, shall be authorized and empowered, until the first Monday in June, 1873, to cast the vote of the State of Maryland as a Stockholder in the Chesapeake and Ohio Canal Company at all meetings of the Stockholders of said company ; and that all vacancies in the said Commissioners from refusal to act, death, resignation or other cause, shall be filled by such of the Commissioners as may act, by and with the approbation of the Board of Public Works ; and in case all the said Commissioners shall fail or refuse to act or to fill any vacancy or vacancies among the said Commissioners, then the said Board of Public Works shall appoint the said Commissioners or so many of them as may be necessary to have five Commissioners as

aforesaid. And it shall and may be lawful for the General Assembly of this State to extend the period for which the said Commissioners or their successors may act for a further term of five years, and for such further term of five years as may appear to be conducive to the prosperity and good management of the said Chesapeake and Ohio Canal.

Provided, however, That it shall and may be lawful for the General Assembly of Maryland, in case it should appear, that the interests of the State demand a change, to make such alterations in the management of the Chesapeake and Ohio Canal, and in voting the stock of the State in the Chesapeake and Ohio Canal Company as the said General Assembly may deem best.

And provided, further, That in whatever changes the General Assembly may hereafter make in the management and control of said company, or voting the stock of the State in said company, the said General Assembly shall be bound to give, as far as possible, permanency and efficiency in the management of said Canal, and exemption from partizan or political control.

By Mr. Walsh.

Sec. 3. The Board of Public Works shall cast the vote of the State of Maryland as stockholder in the Chesapeake and Ohio Canal Company, at the meetings of the Stockholders of said company, for President and Directors of said Company, for President and two Directors of said Company of their own selection, and for two Directors to be nominated in writing by the Trustees under the mortgage executed by said Company in pursuance of the act of 1844, chapter 281, and their successors, and for two Directors to be nominated in writing by the Trustees of the Scripholders and other creditors of said Company except the State of Maryland and the State of Virginia, and the holders of Repair Bonds (the mode of appointing which Trustees is hereinafter provided for,) but no person shall be chosen as President of said Company who shall not have been for five years next preceding his election a citizen of the State of Maryland, and resident of Allegany county, and four of the Directors shall be citizens of the State of Maryland, and residents of the counties of Allegany, Washington, Frederick or Montgomery, and one a resident of the District of Columbia, but not more than two of said Directors shall be residents of the same county at the time of their election, or during their continuance in office.

Sec. —. As soon as practicable after the adoption of this Constitution one or more of said creditors may give notice, to be published for three weeks successively in one or more newspapers printed in the counties of Allegany, Washington,

Frederick and Montgomery, and in any other papers if deemed expedient, of a general meeting of said creditors to be held in the city of Cumberland on a day to be named in said notice, for the purpose of electing three Trustees to represent said creditors, and make the nomination in writing from time to time of said two Directors to the Board of Public Works, and said Trustees shall be elected for two years, and until their successors are elected ; and at the first meeting of said creditors they shall fix such time and place of holding their next and other meetings for the election of Trustees, in such manner of giving notice thereof as they may deem expedient, and at all meetings of said creditors a majority in amount of the debts represented at the meeting shall be sufficient to elect said Trustees, or decide any proposition that may come before the meeting ; and the evidence of the right of any one to participate as a creditor in said meetings shall be the scrip, or certificate of the Secretary of the Company, or an authenticated copy of a judgment against said Company, or such other evidence of indebtedness of said Company as said creditors at such meetings may deem sufficient.

Sec. —. The said President and Directors shall keep the said Canal in good navigable order and repair for permanent use, and provide the necessary supply of water, and shall have full power to manage the business and regulate the tolls of said Canal according to its charter, and pay salaries of the officers and current expenses, including the repair debt, before any of the tolls and revenues shall be otherwise applied by them, and shall then pay the annual interest henceforth accruing on the bonds secured by said mortgage, and shall from time to time apply the surplus revenues to the extinguishment of such of said bonds as the holders thereof may be willing to receive the current market value for, provided said President and Directors shall not apply said surplus to the satisfaction of any of said bonds which they or either of them may be the holders of, and all the bonds so extinguished shall be registered and delivered over to the Treasurer of the State of Maryland, and the said President and Directors shall report quarterly to the Board of Public Works a detailed statement of the tolls and revenues of said Canal, and the amount, nature, and character of their expenditures which reports shall be verified by the affidavit of the President.

By Mr. Barnes.

Sec. 3. In the election of the President and Directors of the Chesapeake and Ohio Canal Company, the Board of Public Works shall cast the vote of the State for three Directors from among such persons as may be nominated by the trustees named in a deed of mortgage from said Canal Company to Phineas Janney and others, executed on the 5th day of

June, 1848, in pursuance of an Act of General Assembly of Maryland of 1844, ch. 281, and their successors. And in like manner from among such persons as may be nominated by a majority in interest of all other creditors, other than lien creditors, one Director, and for the President and two other Directors, the vote of the State shall be cast by the said Board of Public Works for such persons as said Board may deem qualified for the discharge of their respective duties. Provided the President and five of said Directors, at the time of their election and for five years previous, shall have been residents of the State of Maryland; and this mode of electing the President and Directors shall continue until the preferred debt now owing shall be paid, or until the Legislature shall otherwise provide.

And it shall be the duty of the President and Directors of said Canal Company to make to the Comptroller of the State true and accurate quarterly statements of all revenues and expenses of said Canal, and to deposit semi-annually with the Treasurer of the State, all surplus earnings above the necessary expenses incident to maintaining the Canal in a good and efficient state of repair, and such further sum as is necessary to pay the annual accruing interest upon the principal sum of the preferred debt or debts owing.

And the Treasurer of the State shall, from time to time, invest such surplus and the increment thereon in a sinking fund, until it shall be sufficient to redeem the principal and over-due interest of said preferred debt or debts. And should either class of the creditors of said Company make default in nominating for Directors at any election, the provisions of this Section, so far as it applies to the defaulting class of creditors at such election, shall be inoperative and void.

And the President and Directors of said Canal shall have the power to establish, and from time to time alter the same, such rates of tolls as may be by them deemed necessary to secure the largest amount of revenue therefrom, within the limits prescribed by the charter of said Company.

On motion of Mr. Barnes ;

At ten o'clock P. M. the Convention adjourned.

PROCEEDINGS
IN COMMITTEE OF THE WHOLE

Thursday Evening, August 15, 1867.

The Committee met.

Mr. Dent in the Chair.

The Committee resumed the consideration of the unfinished business of the morning session, being the Report of the Committee upon Public Works and Corporations, title, Article—Public Works ;

The question recurring upon the motion submitted by Mr. Syester, to strike out Section 3 of said Report.

Pending which,

Messrs. Gill, Walsh and Barnes, respectively, submitted proposed amendments to the third section, which were read for information.

Mr. Barnes moved that the Committee now rise and report that they have had under consideration the Report of the Committee upon Public Works and Corporations, title, Article—Public Works, have made some progress therein, and recommend to the Convention that the various proposed amendments to Section 3, which had been read before the Committee for information, be printed in the Journal, and ask to be discharged from the further consideration of the subject.

Decided in the affirmative.

The Committee then rose.

FRIDAY, August 16, 1867.

The Convention met.

Prayer by Rev. Mr. Henderson.

Present at the call of the roll the following members :

Messrs. Carmichael, (President,) Alvey, Archer, Austin, Barnes, Barry, Bateman, Bell, Bennett, Bradley, Brent, Brewer, of Montgomery, Brooke, Brown, Buchanan, Carter, Chambers, Cosgrove, Cover, Cunningham, Denson, Dent, Devries, Dobbin, Dorsey, Duvall, Emack, Evans, Farnandis, Ferry, Finley, Flaherty, Ford, Franck, Franklin, Galt, Garey, George, Giddings, Gill, Goldsborough, of Dorchester, Goldsborough, of Talbot, Groome, Hall, Hammond, Hardcastle, Hayden, Hoblitzell, Hodson, Hollyday, Horsey, of Frederick, Horsey, of Somerset, Howard, Howison, Hubbard, Ireland, Jamison, Janvier, Johnson, Jones, Keating, Kennedy, Lee, Longwell, Mackubin, Manro, Marbury, Massey, Maulsby, McCormick, McKaig, McMaster, McPherson, Merrick, Merryman, Mitchell, Morris, Motter, Murray, Nelson, Nicolai, Page, Parker, Charles S. Parran, John Parran, Peters, Pleasants, Pole, Rennolds, Rider, Riggs, Ringgold, Ritchie, Roman, Silver, Spates, Starr, Stoddert, Syester, Tarr, of Caroline, Tarr, of Worcester, Thomas, Toadvine, Vansant, Wallace, Walsh, Watkins, of Caroline, Watkins, of Montgomery, Wethered, Whitman, Wickes, Wilkinson—112.

The proceedings of yesterday were read and approved.

Mr. Barry submitted the following order :

Ordered, That the Committee on Accounts pay F. A. Richardson and E. Fulton the sum of five hundred dollars between them, for services rendered by them as reporters of the debates of this body in the newspapers of Baltimore city and elsewhere.

Which was read.

Mr. Hall moved to lay the order on the table.

The question recurring upon sustaining the motion,

Mr. Barry demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Emack,	Mackubin,
Alvey,	Evans,	Manro,
Archer,	Ford,	McCormick,
Austin,	Franklin,	McMaster,
Bateman,	Galt,	McPherson,
Bennett,	Giddings,	Merrick,
Bradley,	Goldsborough, D.	Morris,
Brent,	Goldsborough, T.	Motter,
Brewer, of Mont.	Hall,	Parker,
Brooke,	Hardcastle,	Parran, Chas S.
Chambers,	Hodson,	Parran, John,
Cosgrove,	Hollyday,	Pole,
Cover,	Horse, of Fred.	Riggs,
Cunningham,	Ireland,	Ringgold,
Devries,	Janvier,	Silver,
Dorsey,	Johnson,	Stoddert,
Duvall,	Longwell,	Thomas—50.

NEGATIVE.

Messrs.	Hubbard,	Rider,
Barnes,	Jones,	Ritchie,
Barry,	Keating,	Roman,
Bell,	Kennedy,	Starr,
Brown,	Marbury,	Syester,
Buchanan,	Maulsby,	Tarr, of Car.
Denson,	McKaig,	Tarr, of Wor.
Dent,	Merryman,	Toadvine,
Dobbin,	Murray,	Walsh,
Finley,	Nicolai,	Wethered,
Gill,	Page,	Wickes,
Hoblitzell,	Pleasants,	Wilkinson—36.

So the order was laid on the table.

Mr. Merrick (Mr. Brooke in the Chair) submitted the following order :

Ordered, That the thanks of this Convention be tendered to the Hon. R. B. Carmichael, for the urbanity and fidelity with which he has discharged the duties of presiding officer ;

Which was unanimously adopted.

Mr. Nicolai submitted the following order :

Ordered, That the Committee on Accounts pay F. A. Richardson and E. Fulton, the sum of four hundred dollars between them for services rendered by them as reporters of the debates of this body, in the newspapers of Baltimore City and elsewhere.

Mr. Brown submitted the following amendment :

Strike out the word “four,” and insert the word “six ;”

Pending the consideration of which,

Mr. Denson moved the previous question,

The question then being,

“ Shall the previous question be now put ?”

It was sustained.

The question recurring upon the adoption of the amendment,

Mr. Horsey, of Frederick, demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Keating,	Rider,
Barnes,	Lee,	Ritchie,
Barry,	Marbury,	Roman,
Brown,	Massey,	Tarr, of Caroline,
Buchanan,	Maulsby,	Tarr, of Wor.
Denson,	McKaig,	Vansant,
Dobbin,	Merryman,	Walsh,
Finley,	Nicolai,	Watkins, of Car.
Flaherty,	Page,	Wethered,
Garey,	Peters,	Whitman,
George,	Pleasants,	Wickes,
Gill,	Rennolds,	Wilkinson—36.
Hubbard,		

NEGATIVE.

Messrs.	Ferry,	Longwell,
Alvey,	Ford,	Mackubin,
Archer,	Franck,	Manro,
Austin,	Franklin,	McCormick,
Bateman,	Galt,	McMaster,
Bell,	Giddings,	Merrick,
Bennett,	Goldsborough, D.	Mitchell,
Bradley,	Goldsborough, T.	Morris,
Brent,	Groome,	Motter,
Brewer, of Mont.	Hall,	Murray,
Brooke,	Hardcastle,	Parker,
Carter,	Hoblitzell,	Parran, Chas. S.
Chambers,	Hodson,	Parran, John,
Cosgrove,	Hollyday,	Pole,

Cover,	Horse, of Fred.	Riggs,
Cunningham,	Horse, of Som.	Ringgold,
Dent,	Howard,	Silver,
Dorsey,	Ireland,	Starr,
Duvall,	Janvier,	Stoddert,
Emack,	Johnson,	Thomas,
Evans,	Jones,	Wallace—64.
Farnandis,	Kennedy,	

So the amendment submitted by Mr. Brown was rejected.

The question then recurring upon the adoption of the order submitted by Mr. Nicolai,

Mr. Motter demanded the yeas and nays,

The demand being sustained,

The yeas and nays were ordered, and appeared as follows :

AFFIRMATIVE.

Messrs.	Horse, of S'mt.	Pleasants,
Archer,	Howison,	Rennolds,
Barnes,	Hubbard,	Rider,
Barry,	Ireland,	Ringgold,
Bell,	Jones,	Ritchie,
Brown,	Keating,	Roman,
Buchanan,	Kennedy,	Silver,
Carter,	Lee,	Starr,
Cosgrove,	Manro,	Tarr, of Car.
Denson,	Marbury,	Tarr, of Wor.
Dent,	Massey,	Toadvine,
Dobbin,	Maulsby,	Vansant,
Finley,	McKaig,	Walsh,
Flaherty,	Merryman,	Watkins, of C.
Garey,	Murray,	Wethered,
George,	Nicolai,	Whitman,
Gill,	Page,	Wickes,
Goldsborough, T.	Peters,	Wilkinson—56.
Hoblitzell,		

NEGATIVE.

Messrs.	Farnandis,	Mackubin,
Alvey,	Ford,	McCormick,
Austin,	Franck,	McMaster,
Bateman,	Franklin,	Merrick,
Bennett,	Galt,	Mitchell,
Bradley,	Giddings,	Morris,
Brent,	Goldsborough, D.	Motter,
Brewer, Mont.	Groome,	Parker,
Brooke,	Hall,	Parran, Chas. S.

Chambers,	Hodson,	Parran, John
Cover,	Hollyday,	Pole,
Cunningham,	Horsey, of Fred.	Riggs,
Dorsey,	Howard,	Stoddert,
Duvall,	Janvier,	Thomas,
Emack,	Johnson,	Wallace—46.
Evans,	Longwell,	

So the order submitted by Mr. Nicolai was adopted.

Mr. Longwell, Chairman Committee on Printing, submitted the following report :

The Committee on Printing, to whom was referred the printing and distribution of the Constitution and Journal of Proceedings of the Convention, respectfully submit for the consideration of the Convention the following orders :

J. K. LONGWELL, Chairman.
 JAMES A. HENDERSON,
 JAMES R. BREWER,
 SAMUEL W. STARR,
 JOHN B. THOMAS,
 HENRY A. SILVER,
 JOHN F. DENT,
 WILLIAM MOTTER,
 JAMES L. HORSEY.

Which was read.

On motion of Mr. Longwell,

The Convention proceeded to the consideration of the following order submitted by the Committee :

Ordered, That the Comptroller of the Treasury contract with Thomas E. Dell for the binding of the Journal of the Proceedings and Documents of this Convention, at a cost not to exceed the sum of eighty-five cents per copy, and the same shall be distributed as follows :

Two copies to each member of the Convention; to the Governor, Comptroller, Treasurer, Attorney General, Adjutant General, and Commissioner of the Land Office, each one copy; to the Judges and Clerks of the Circuit Courts and of the several Courts of Baltimore city, each one copy; to the Judges and Clerks of the Court of Appeals, each one copy; to the Orphans' Courts of the State, each one copy; to the Register of Wills, each one copy; to the Board of County Commissioners, each one copy; to the State's Attorneys, each one copy; to the Mayor of Baltimore city, one copy, and fifty copies to the Governor for distribution among the Governors of the several States; and the remaining copies shall be

transmitted to the State Librarian, subject to the disposition of the General Assembly. The Journal of Proceedings to be secured in strong packages and transmitted to the parties entitled to receive them, at the expense of the said Thomas E. Dell, who will give the necessary bond for the faithful discharge of this duty to the Comptroller.

Which was read.

Mr. Barry submitted the following amendment :

Insert after the word "States" the following words, "a copy to each of the officers of the Convention."

Which was rejected.

Mr. Stoddert submitted the following amendment :

Strike out the word "two" and insert the word "one."

Decided in the negative.

Mr. Wethered submitted the following amendment :

After the word "States," insert "and one copy each to the Secretary and Assistant Secretary ;"

Which was adopted.

The order, as amended, was then adopted.

The Convention then proceeded to the consideration of the following order, submitted by the Committee :

Ordered, That the Comptroller of the Treasury be authorized, and is hereby directed to contract with Murphy & Co., of Baltimore, for the printing and binding of five hundred copies of the Constitution, when adopted by the people of Maryland. The said Constitution shall contain an elaborate index, prepared with reference to Articles and Sections, and also to the page ; and shall be printed in the best style (with side notes), on fair white paper, with large, fair type, and well bound in law sheep, and shall contain the names of the members of this Convention, a list of the Officers and Standing Committees, and a certificate of the Clerk of the Court of Appeals that it is a true copy of the Constitution passed by this Convention ; and the cost shall not exceed one dollar and seventy-five cents per copy.

And the State Librarian shall distribute said copies of the Constitution as follows : One copy to each member of the Convention ; to the Governor, Comptroller, Treasurer, Attorney General, Adjutant General and Commissioner of the Land Office, each one copy ; to the Judges and Clerks of the Circuit Courts, and of the several Courts of Baltimore City, each one copy ; to the Judges and Clerks of the Court of Appeals, each one copy ; to the Orphans' Courts of the State, each

one copy ; to the Boards of County Commissioners, each one copy ; to the State's Attorneys, each one copy ; to the Register of Wills, each one copy ; to the Mayor of Baltimore City one copy ; and fifty copies to the Governor for distribution among the Governors of the several States ; and the remaining copies shall be retained in the State Library, subject to the disposition of the General Assembly ;

Which was read.

Mr. Tarr, of Caroline, submitted the following amendment :

Insert after the word "member," the words "and the Secretary and Assistant Secretary ;"

Which was adopted.

Mr. Rennolds submitted the following amendment :

Insert after the word "Mayor," the words "and Board of Police ;"

Which was rejected.

The order, as amended, was then adopted.

The Convention then proceeded to the consideration of the following order, submitted by the Committee :

Ordered, That the Comptroller of the Treasury contract with George Colton, printer to the Convention, for the publication of the Constitution, in pamphlet form, with title page, full list of members, officers, and Committees, on good paper, with covers, properly glued and stitched, the number of fifty thousand copies, of which ten thousand ——— copies shall be in the German language, and forty thousand in the English, to be distributed pro rata among the members of this Convention, for distribution among the people. The contractor for printing to have the same done up in packages and delivered as directed to members of the Convention within ten days after the adjournment of this Convention.

In consideration for the printing and distribution of the fifty thousand copies of the Constitution aforesaid, the said George Colton is to be paid the sum of twenty-eight hundred dollars, and for the faithful performance of 'this contract the said Colton is to give a sufficient bond therefor.

Which was read.

Mr. Dobbin submitted the following amendment :

Insert after the word "people," the following : and the Comptroller and Treasurer are hereby instructed to publish the Constitution in the *Baltimore Gazette*, the *Baltimore Sun*, and the *Baltimore German Correspondent*."

Mr. Nicolai submitted the following amendment to the amendment:

Amend by adding, "one paper in each county for two successive weeks before the election, or the adoption of the Constitution ;"

Which was rejected.

Mr. Hayden submitted the following amendment to the amendment:

Insert after the word "*Correspondent*," the words "and *Baltimore American* ;"

Which was adopted.

The question then recurring upon the amendment, as amended,

It was rejected.

The order was then adopted.

The Convention then proceeded to the consideration of the following order, submitted by the Committee:

Ordered, That Mr. Battista Lorino, Prof. of Languages in the State Agricultural College, be and he is hereby appointed to translate into German, for publication, the Constitution passed by this Convention, and that the Committee upon Accounts pay to him for such service such sum as the Committee upon Printing may allow, not exceeding one hundred dollars ;

Which was adopted.

Mr. Barnes submitted the following order:

Ordered, That the Constitution printed for distribution, shall have inclosed therewith the necessary stamps to pay the postage ;

Which was read.

Mr. Carter submitted the following order as a substitute:

Ordered, That the Committee on Printing make all proper arrangements for the distribution of the pamphlet copies of the Constitution which have been ordered to be printed ;

The question recurring upon its adoption,

Mr. Barry moved the previous question ;

The question then being,

"Shall the previous question be now put?"

It was sustained.

The order was then adopted.

Mr. Gill submitted the following order :

Ordered, That the Committee on Printing be authorized after the adjournment of this Convention, in case it should appear necessary, to give publicity to the Constitution, to cause the Constitution to be printed in such newspapers as the said Committee may deem best, provided the additional cost shall not exceed \$1,500 ;

Pending the consideration of which,

Mr. Rennolds moved the previous question ;

The question then being,

“ Shall the previous question be now put ? ”

It was sustained.

The question then recurring upon the adoption of the order submitted by Mr. Gill ;

It was adopted.

The Convention then resumed the consideration of the unfinished business,

Being the Report of the Committee upon Public Works and Corporations, title, Article—Public Works,

Said Report being upon a second reading.

Pending which,

Mr. Marbury moved that the Convention do now resolve itself into a Committee of the Whole, to consider and report upon the Report of the Committee upon Public Works and Corporations, title, Article—Public Works ;

Decided in the negative.

Mr. Merrick moved the previous question ;

The question then being,

“ Shall the previous question be now put ? ”

It was sustained.

Mr. Barry moved a call of the House,

Which was sustained.

Upon the call of the roll the following members responded to their names :

Messrs. Carmichael, (President,) Alvey, Archer, Austin, Barnes, Barry, Bateman, Bell, Bennett, Brent, Brewer, of Montgomery, Brooke, Brown, Carter, Chambers, Cosgrove, Cover, Cunningham, Denson, Dent, Devries, Dobbin, Dor-

sey, Duvall, Emack, Evans, Farnandis, Ferry, Finley, Flaherty, Ford, Franklin, Galt, Garey, George, Giddings, Gill, Goldsborough, of Talbot, Hall, Hammond, Hardeastle, Hayden, Hodson, Hollyday, Horsey, of Frederick, Horsey, of Somerset, Howard, Howison, Hubbard, Ireland, Jamison, Janvier, Johnson, Jones, Keating, Lee, Longwell, Mackubin, Manro, Marbury, Massey, Maulsby, McCormick, McKaig, McMaster, McPherson, Merrick, Merryman, Mitchell, Morris, Motter, Murray, Nelson, Nicolai, Parker, Chas. S. Parran, John Parran, Peters, Pleasants, Pole, Rennolds, Rider, Riggs, Ringgold, Ritchie, Roman, Silver, Spates, Starr, Stoddert, Syester, Tarr, of Caroline, Tarr, of Worcester, Thomas, Toadvine, Vansant, Wallace, Walsh, Watkins, of Caroline, Watkins, of Montgomery, Wethered, Whitman, Wickes, Wilkinson—103.

Mr. Ireland moved that all further proceedings under the call be dispensed with.

Decided in the negative.

On motion of Mr. Nicolai,

The Sergeant-at-Arms was ordered to notify the absent members now in the city to give their attendance, and to bring them before the bar of the House.

After an absence of thirty-five minutes the Sergeant-at-Arms returned, and reported that he had brought before the bar of the House all the absent members now in the city.

On motion of Mr. Motter,

All further proceedings under the call were dispensed with.

The first Section of the Report was then read.

Pending the reading of the 2d Section,

On motion of Mr. Barnes,

The further consideration of the 2d Section was informally postponed.

Pending the reading of the 3d Section,

Mr. Archer moved to strike out the whole Section.

Mr. Archer moved the previous question.

The question then being,

“Shall the previous question be now put?”

It was sustained.

The question then recurring upon sustaining the motion submitted by Mr. Archer,

Mr. Wilkinson demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	George,	Murray,
Alvey,	Giddings,	Nelson,
Archer,	Gill,	Nicolai,
Austin,	Goldsborough, T.	Parker,
Barnes,	Groome,	Parran, Chas. S.
Barry,	Hall,	Parran, John,
Bateman,	Hammond,	Peters,
Bell,	Hardcastle,	Pole,
Bennett,	Hayden,	Rennolds,
Brent,	Hodson,	Rider,
Brewer, of Mont.	Horsey, of Sm't.	Riggs,
Brooke,	Howard,	Ringgold,
Buchanan,	Hubbard,	Silver,
Carter,	Ireland,	Starr,
Chambers,	Janvier,	Stoddert,
Cover,	Johnson,	Syester,
Cunningham,	Jones,	Tarr, of Car.
Denson,	Keating,	Tarr, of Wor.
Dent,	Longwell,	Thomas,
Devries,	Manro,	Vansant,
Dorsey,	Massey,	Wallace,
Duvall,	McCormick,	Walsh,
Emack,	McKaig,	Watkins, of Mont.
Evans,	Merrick,	Wethered,
Finley,	Merryman,	Whitman,
Flaherty,	Mitchell,	Wickes,
Franklin,	Morris,	Wilkinson—82.
Galt,	Motter,	

NEGATIVE.

Messrs.	Hoblitzell,	McMaster,
Carmichael, Pr't.	Hollyday,	Page,
Brown,	Horsey, of Fred.	Pleasants,
Cosgrove,	Howison,	Ritchie,
Dobbin,	Jamison,	Roman,
Farnandis,	Kennedy,	Spates,
Ferry,	Lee,	Toadvine,
Ford,	Mackubin,	Watkins, of Car.
Franck,	Marbury,	—26.
Garey,		

So the motion prevailed,

And Section 3 was stricken out.

Mr. Walsh submitted the following amendment to be inserted as Section 3 :

Sec. 3. The Board of Public Works shall cast the vote of the State of Maryland as stockholder in the Chesapeake and Ohio Canal Company, at the meetings of the Stockholders of said company, for President and Directors of said Company, for President and two Directors of said Company of their own selection, and for two Directors to be nominated in writing by the Trustees under the mortgage executed by said Company in pursuance of the act of 1844, chapter 281, and their successors, and for two Directors to be nominated in writing by the Trustees of the Scripholders and other creditors of said Company except the State of Maryland and the State of Virginia, and the holders of Repair Bonds (the mode of appointing which Trustees is hereinafter provided for,) but no person shall be chosen as President of said Company who shall not have been for five years next preceding his election a citizen of the State of Maryland, and resident of Allegany county, and four of the Directors shall be citizens of the State of Maryland, and residents of the counties of Allegany, Washington, Frederick or Montgomery, and one a resident of the District of Columbia, but not more than two of said Directors shall be residents of the same county at the time of their election, or during their continuance in office.

Sec. —. As soon as practicable after the adoption of this Constitution one or more of said creditors may give notice, to be published for three weeks successively in one or more newspapers printed in the counties of Allegany, Washington, Frederick and Montgomery, and in any other papers if deemed expedient, of a general meeting of said creditors to be held in the city of Cumberland on a day to be named in said notice, for the purpose of electing three Trustees to represent said creditors, and make the nomination in writing from time to time of said two Directors to the Board of Public Works, and said Trustees shall be elected for two years, and until their successors are elected ; and at the first meeting of said creditors they shall fix such time and place of holding their next and other meetings for the election of Trustees, in such manner of giving notice thereof as they may deem expedient, and at all meetings of said creditors a majority in amount of the debts represented at the meeting shall be sufficient to elect said Trustees, or decide any proposition that may come before the meeting ; and the evidence of the right of any one to participate as a creditor in said meetings shall be the scrip, or certificate of the Secretary of the Company, or an authenticated copy of a judgment against said Company, or such other evidence of indebtedness of said Company as said creditors at such meetings may deem sufficient.

Sec. —. The said President and Directors shall keep the said Canal in good navigable order and repair for permanent use, and provide the necessary supply of water, and shall have full power to manage the business and regulate the tolls of said Canal according to its charter, and pay salaries of the officers and current expenses, including the repair debt, before any of the tolls and revenues shall be otherwise applied by them, and shall then pay the annual interest henceforth accruing on the bonds secured by said mortgage, and shall from time to time apply the surplus revenues to the extinguishment of such of said bonds as the holders thereof may be willing to receive the current market value for, provided said President and Directors shall not apply said surplus to the satisfaction of any of said bonds which they or either of them may be the holders of, and all the bonds so extinguished shall be registered and delivered over to the Treasurer of the State of Maryland, and the said President and Directors shall report quarterly to the Board of Public Works a detailed statement of the tolls and revenues of said Canal, and the amount, nature, and character of their expenditures which reports shall be verified by the affidavit of the President.

Which was read.

Mr. Barnes submitted the following as a substitute for the amendment submitted by Mr. Walsh :

Sec. 3. In the election of the President and Directors of the Chesapeake and Ohio Canal Company, the Board of Public Works shall cast the vote of the State for three Directors from among such persons as may be nominated by the trustees named in a deed of mortgage from said Canal Company to Phineas Janney and others, executed on the 5th day of June, 1848, in pursuance of an Act of General Assembly of Maryland of 1844, ch. 281, and their successors. And in like manner from among such persons as may be nominated by a majority in interest of all other creditors, other than lien creditors, one Director, and for the President and two other Directors, the vote of the State shall be cast by the said Board of Public Works for such persons as said Board may deem qualified for the discharge of their respective duties. Provided the President and five of said Directors, at the time of their election and for five years previous, shall have been residents of the State of Maryland; and this mode of electing the President and Directors shall continue until the preferred debt now owing shall be paid, or until the Legislature shall otherwise provide.

And it shall be the duty of the President and Directors of said Canal Company to make to the Comptroller of the State true and accurate quarterly statements of all revenues and expenses of said Canal, and to deposit semi-annually with

the Treasurer of the State, all surplus earnings above the necessary expenses incident to maintaining the Canal in a good and efficient state of repair, and such further sum as is necessary to pay the annual accruing interest upon the principal sum of the preferred debt or debts owing.

And the Treasurer of the State shall, from time to time, invest such surplus and the increment thereon in a sinking fund, until it shall be sufficient to redeem the principal and over-due interest of said preferred debt or debts. And should either class of the creditors of said Company make default in nominating for Directors at any election, the provisions of this Section, so far as it applies to the defaulting class of creditors at such election, shall be inoperative and void.

And the President and Directors of said Canal shall have the power to establish, and from time to time alter the same, such rates of tolls as may be by them deemed necessary to secure the largest amount of revenue therefrom, within the limits prescribed by the charter of said Company.

Which was read.

Mr. Wilkinson submitted the following amendment as a substitute for the whole :

Sec. 3. The entire net revenue of the Chesapeake and Ohio Canal Company shall be applied to the payment of the principal and interest of the preferred bonds in the following manner :

After paying the annual interest upon the original principal, the balance, if any remains, shall be paid pro rata to the bondholders at the time of the payments of annual interest, and in the manner prescribed for the payment of said interest by the Act of 1844, chapter 281, until the accrued interest shall have been paid off, after which time the surplus shall be appropriated as a sinking fund for the redemption of the principal of the bonds as provided in the said Act.

Pending the consideration of which,

Mr. Rennolds moved that the Convention do now adjourn.

Decided in the negative.

On motion of Mr. Bateman,

The Convention, at 3 o'clock and 25 minutes, P. M., took a recess until 7 o'clock this P. M.

EVENING SESSION, AUGUST 16, 1867.

The Convention met.

Present at the call of the roll the following members :

Messrs. Carmichael, (President,) Alvey, Archer, Austin, Barnes, Barry, Bateman, Bell, Brent, Brewer, of Montgomery, Brooke, Brown. Buchanan, Carter, Chambers, Cosgrove, Cover, Cunningham, Denson, Dent, Devries, Dobbin, Dorsey, Duvall, Emack, Evans, Farnandis, Finley, Ford, Franklin, Galt, George, Giddings, Gill, Goldsborough, of Talbot, Groome, Hall, Hammond, Hardcastle, Hayden, Hoblitzell, Hodson, Hollyday, Horsey, of Frederick, Howard, Howison, Hubbard, Ireland, Jamison, Janvier, Johnson, Jones, Keating, Lee, Longwell, Mackubin, Manro, Marbury, Maulsby, McCormick, McKaig, McMaster, McPherson, Merrick, Merryman, Mitchell, Morris, Motter, Murray, Nelson, Nicolai, Page, Parker, C. S. Parran, John Parran, Peters, Pleasants, Pole, Rider, Riggs, Ringgold, Ritchie, Silver, Spates, Starr, Syester, Tarr, of Caroline, Tarr, of Worcester, Thomas, Toadvine, Vansant, Walsh, Watkins, of Montgomery, Wethered, Whitman, Wickes, Wilkinson—94.

The Convention then resumed the consideration of the unfinished business of the morning session,

Being the Report of the Committee upon Public Works and Corporations, title, Article—Public Works.

The question recurring upon the amendment submitted by Mr. Wilkinson, as a substitute for the whole,

It was rejected.

The question then recurred upon the substitute submitted by Mr. Barnes,

Pending the consideration of which,

Mr. Merrick moved the previous question.

The question then being,

“Shall the previous question be now put?”

It was sustained.

The question then recurring upon the adoption of the substitute,

Mr. Carter demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Hollyday,	Page,
Carmichael, Pr't.	Horsey, of Fred.	Parran, John,
Barnes,	Howison,	Riggs,
Brown,	Jamison,	Ritchie,
Carter,	Jones,	Roman,
Denson,	Lee,	Spates,
Devries,	Mackubin,	Stoddert,
Dobbin,	Marbury,	Tarr, of Wor.
Farnandis,	McKaig,	Toadvine,
Ford,	McMaster,	Walsh,
Franklin,	McPherson,	Whitman—34.
Hoblitzell,	Mitchell,	

NEGATIVE.

Messrs.	Galt,	Morris,
Alvey,	George,	Motter,
Archer,	Giddings,	Murray,
Austin,	Gill,	Nelson,
Barry,	Goldsborough, T.	Nicolai,
Bateman,	Hall,	Parker,
Bell,	Hammond,	Parran, Chas. S.
Brent,	Hardcastle,	Peters,
Brewer, of Mont.	Hayden,	Pleasants,
Brooke,	Hodson,	Pole,
Buchanan,	Howard,	Rider,
Chambers,	Hubbard,	Ringgold,
Cosgrove,	Ireland,	Silver,
Cover,	Janvier,	Syester,
Cunningham,	Johnson,	Tarr, of Car.
Dent,	Keating,	Thomas,
Dorsey,	Longwell,	Vansant,
Duval,	Manro,	Wethered,
Emack,	McCormick,	Wickes,
Evans,	Merrick,	Wilkinson—61.
Finley,	Merryman,	

So the substitute submitted by Mr. Barnes

Was rejected.

Pending the call of the yeas and nays upon the substitute as above,

Mr. Maulsby asked to be excused from voting.

On motion of Mr. Barry,

Mr. Maulsby was excused.

Mr. Watkins, of Montgomery also asked to be excused from voting.

On motion of Mr. Vansant,

Mr. Watkins, of Montgomery, was excused.

The question then recurring upon the amendment submitted by Mr. Walsh to be inserted as Section 3,

Mr. McKaig submitted the following amendment:

Add at the end of the Section, "this Section may be altered or repealed by the General Assembly."

Pending the consideration of which,

Mr. Merryman moved the previous question.

The question then being,

"Shall the previous question be now put?"

It was sustained.

The question then recurring upon the adoption of the amendment submitted by Mr. McKaig,

It was rejected.

The question then recurring upon the amendment submitted by Mr. Walsh,

Mr. Barry demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called and appeared as follows:

AFFIRMATIVE.

Messrs.	Jamison,	Roman,
Carmichael, P't.	Mackubin,	Spates,
Carter,	Marbury,	Stoddert,
Denson,	McKaig,	Tarr, of Worc'r.
Ford,	McPherson,	Toadvine,
Hoblitzell,	Ritchie,	Walsh—18.
Horsey, of Fred.		

NEGATIVE.

Messrs.	Galt,	Mitchell,
Alvey,	George,	Morris,
Archer,	Giddings,	Motter,
Austin,	Gill,	Murray,
Barnes,	Goldsborough, T.	Nelson,
Barry,	Hall,	Nicolai,
Bateman,	Hammond,	Page,

Bell,	Hardcastle,	Parker,
Brent,	Hayden,	Parran, Chas. [S.
Brewer, of Mont.	Hodson,	Parran, John,
Brooke,	Hollyday,	Peters,
Brown,	Howard,	Pleasants,
Buchanan,	Howison,	Pole,
Chambers,	Hubbard,	Rider,
Cosgrove,	Ireland,	Riggs,
Cover,	Janvier,	Ringgold,
Cunningham,	Johnson,	Silver,
Dent,	Jones,	Starr,
Devries,	Keating,	Syester,
Dobbin,	Lee,	Tarr, of Car.
Dorsey,	Longwell,	Thomas,
Duvall,	Manro,	Vansant,
Emack,	McCormick,	Wethered,
Evans,	McMaster,	Whitman,
Farnandis,	Merrick,	Wickes,
Finley,	Merryman,	Wilkinson—78.
Franklin,		

So the amendment submitted by Mr. Walsh,

Was rejected.

On motion of Mr. Barnes,

The Convention then resumed the consideration of Section 2, the further consideration of which had been informally postponed.

Pending which,

Mr. Syester submitted the following amendment :

Amendment to the 2d Section.

In the 3d line, strike out all after the word “creditor,” to the word “they,” in the 8th line, and insert as follows :

“And shall represent and vote the Stock of the State of Maryland, in all meetings of the Stockholders of the Chesapeake and Ohio Canal; and shall appoint the Directors in every Railroad and Canal Company, in which the State has the legal power to appoint Directors, which said Directors shall represent the State in all meetings of the Stockholders of the respective Companies for which they are appointed or elected ;”

Mr. Carter submitted the following amendment to the amendment submitted by Mr. Syester :

After the word “And,” at the beginning of first line, insert the words “unless otherwise provided by law ;”

Pending the consideration of which,

Mr. Nicolai moved the previous question ;

The question then being,

“Shall the previous question be now put?”

It was sustained.

The question then recurring upon the adoption of the amendment,

Mr. Barry demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Howison,	Pleasants,
Carmichael, Pr't.	Jamison,	Ritchie,
Brown,	Lee,	Roman,
Carter,	Marbury,	Stoddert,
Denson,	McKaig,	Toadvine,
Dobbin,	McPherson,	Watkins, of Mont.
Hoblitzell,	Page,	—20.
Horsey, of Fred.		

NEGATIVE.

Messrs.	Galt,	Morris,
Alvey,	George,	Motter,
Archer,	Giddings,	Murray,
Austin,	Gill,	Nelson,
Barnes,	Goldsborough, T.	Nicolai,
Barry,	Hammond,	Parker,
Bateman,	Hardcastle,	Parran, Chas. S.
Bell,	Hayden,	Parran, John,
Brent,	Hodson,	Peters,
Brewer, of Mont.	Hollyday,	Pole,
Brooke,	Howard,	Rider,
Buchanan,	Hubbard,	Riggs,
Chambers,	Ireland,	Ringgold,
Cosgrove,	Janvier,	Silver,
Cover,	Johnson,	Spates,
Cunningham,	Jones,	Starr,
Denson,	Keating,	Syester,
Devries,	Longwell,	Tarr, of Car.
Dorsey,	Mackubin,	Tarr, of Wor.
Duvall,	Manro,	Thomas,
Emack,	McCormick,	Vansant,
Evans,	McMaster,	Wethered,
Farnandis,	Merrick,	Whitman,
Finley,	Merryman,	Wickes,
Franklin,	Mitchell,	Wilkinson—74.

So the amendment submitted by Mr. Carter was rejected.

The question then recurring upon the amendment submitted by Mr. Syester,

The question being upon its adoption,

Mr. Nicolai demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Galt,	Murray,
Alvey,	George,	Nelson,
Archer	Giddings,	Nicolai,
Austin,	Gill,	Page,
Barnes,	Goldsborough, T.	Parker,
Barry	Hammond,	Parran, Chas. S.
Bateman,	Hardcastle,	Parran, John,
Bell,	Hayden,	Peters,
Brent,	Hoblitzell,	Pleasants,
Brewer, of Mont.	Hodson,	Pole,
Brooke,	Hollyday,	Rider,
Brown,	Howard,	Riggs,
Buchanan,	Howison,	Ringgold,
Carter,	Hubbard,	Ritchie,
Chambers,	Ireland,	Silver,
Cosgrove,	Janvier,	Spates,
Cover,	Johnson,	Starr,
Cunningham,	Jones,	Syester,
Denson,	Longwell,	Tarr, of Car.
Dent,	Mackubin,	Tarr, of Wor.
Devries,	Manro,	Thomas,
Dobbin,	McCormick,	Vansant,
Dorsey,	McMaster,	Walsh,
Duvall,	McPherson,	Watkins, of Mont.
Emack,	Merrick,	Wethered,
Evans,	Merryman,	Whitman,
Farnandis,	Mitchell,	Wickes,
Finley,	Morris,	Wilkinson—85.
Franklin,	Motter,	

NEGATIVE.

Messrs.	Lee,	Stoddert,
Carmichael, Pr't.	Marbury,	Toadvine—7.
Horsey of Fred.	McKaig,	

So the amendment submitted by Mr. Syester

Was adopted.

Mr. Carmichael (Mr. Brooks in the Chair,) submitted the following amendment :

To come in at the beginning of the 2d Section, "Subject to the control of the General Assembly ;

Pending the consideration of which,

Mr. Barry moved the previous question.

The question then being,

"Shall the previous question be now put?"

It was sustained.

The question recurring upon the adoption of the amendment,

Mr. Marbury demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

Messrs.	Hoblitzell,	Page,
Carmichael, Pr't.	Hollyday,	Pleasants,
Brown,	Horsey, of Fred.	Roman,
Carter,	Jamison,	Spates,
Denson,	Lee,	Stoddert,
Dent,	Mackubin,	Toadvine,
Dobbin,	Marbury,	Walsh,
Ford,	McKaig,	Watkins, of Mont.
Giddings,	McMaster,	Whitman—28.
Gill,	McPherson,	

NEGATIVE.

Messrs.	Finley,	Morris,
Alvey,	Franklin,	Motter,
Archer,	Galt,	Murray,
Austin,	George,	Nelson,
Barnes,	Goldsborough, T.	Nicolai,
Barry,	Groome,	Parker,
Bateman,	Hammond,	Parran, Chas. S.
Bell,	Hardcastle,	Parran, John,
Brent,	Hayden,	Peters,
Brewer, of Mont.	Hodson,	Pole,
Brooke,	Howard,	Rider,
Buchanan,	Hubbard,	Riggs,
Carter,	Ireland,	Ringgold,
Chambers,	Janvier,	Ritchie,
Cosgrove,	Johnson,	Silver,

Cover,	Jones,	Starr,
Cunningham,	Keating,	Syester,
Devries,	Longwell,	Tarr, of Wex.
Dorsey,	Manro,	Thomas,
Duvall,	McCormick,	Vansant,
Emack,	Merrick,	Wethered,
Evans,	Merryman,	Wickes,
Farnandis,	Mitchell,	Wilkinson—67.

So the amendment submitted by Mr. Carmichael was rejected.

Mr. Barnes submitted the following amendment :

And it shall be the duty of the President and Directors of said Canal Company to make to the Comptroller of the State true and accurate quarterly statements of all revenues and expenses of said Canal, and to deposit semi-annually with the Treasurer of the State, all surplus earnings above the necessary expenses incident to maintaining the Canal in a good and efficient state of repair, and such further sum as is necessary to pay the annual accruing interest upon the principal sum of the preferred debt or debts owing.

And the Treasurer of the State shall, from time to time, invest such surplus and the increment thereon in a sinking fund until it shall be sufficient to redeem the principal and over-due interest of said preferred debt or debts.

Pending the consideration of which,

Mr. Silver moved the previous question.

The question then being,

“Shall the previous question be now put?”

It was sustained.

The question then recurring upon the amendment submitted by Mr. Barnes,

It was rejected.

Mr. Wickes submitted the following amendment :

Sec. 2. Insert after the word “State,” in line 11, as follows: “or produce injurious competition between said Public Works, to the detriment of the interest of the State.”

Pending the consideration of which,

Mr. George moved the previous question.

The question then being,

“Shall the previous question be now put?”

It was sustained.

The question then recurring upon the adoption of the amendment,

Mr. Barnes demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

Messrs.	Finley,	Pleasants,
Alvey,	Gill,	Ringgold,
Archer,	Goldsborough, T.	Stoddert,
Austin,	Hammond,	Watkins, of Mont.
Barry,	Howison,	Wethered,
Brent,	Merrick,	Wickes—19.
Brooke,	Murray,	

NEGATIVE.

Messrs.	Galt,	Morris,
Carmichael, Pr't.	George,	Motter,
Barnes,	Giddings,	Nelson,
Bateman,	Groome,	Nicolai,
Bell,	Hayden,	Parker,
Brewer, of Mont.	Hoblitzell,	Parran, John,
Brown,	Hodson,	Peters,
Buchanan,	Hollyday,	Pole,
Carter,	Howard,	Rider,
Chambers,	Hubbard,	Riggs,
Cosgrove,	Jamison,	Ritchie,
Cover,	Johnson,	Roman,
Cunningham,	Jones,	Silver,
Denson,	Keating,	Spates,
Dent,	Longwell,	Syester,
Devries,	Mackubin,	Tarr, of Caroline,
Dobbin,	Manro,	Tarr, of Wor.
Dorsey,	Marbury,	Thomas,
Duvall,	McCormick,	Vansant,
Emack,	McMaster,	Walsh,
Evans,	McPherson,	Whitman,
Ford,	Merryman,	Wilkinson—66.
Franklin,	Mitchell,	

So the amendment submitted by Mr. Wickes,

Was rejected.

Mr. Tarr, of Worcester, moved that the Convention do now adjourn.

Decided in the negative.

Mr. Wickes submitted the following amendment :

And the provisions of the Act of the General Assembly of Maryland, of the year 1867, chapter 359, are hereby declared null and void.

Pending the consideration of which,

Mr. Jones moved the previous question.

The question then being,

“Shall the previous question be now put?”

It was sustained.

The question then recurring upon the amendment submitted by Mr. Wickes,

It was adopted.

Mr. Ireland moved that the Convention do now adjourn.

Decided in the negative.

The Section, as amended, was then read.

The Committee then proceeded to the consideration of the 4th Section.

Pending which,

Mr. Archer submitted the following amendment :

Insert in 4th line, after the word “State,” “provided such exchange shall not be made at less than par—nor less than the market value of said stock.”

Which was adopted.

Mr. Merrick submitted the following amendment :

Strike out the whole Section.

Pending the consideration of which,

Mr. Merrick moved the previous question.

The question then being,

“Shall the previous question be now put?”

It was sustained,

The question then recurring upon striking out the whole Section,

Mr. Gill demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Hammond,	Morris,
Carmichael, Pr't.	Hardcastle,	Murray,
Austin,	Hollyday,	Nelson,
Bateman,	Howard,	Nicolai,
Brent,	Keating,	Parker,
Brooke,	Marbury,	Peters,
Carter,	McCormick,	Pole,
Chambers,	McPherson,	Silver,
Cover,	Merrick,	Toadvine,
Dorsey,	Merryman,	Walsh,
Duvall,	Mitchell,	Wilkinson—33.
Groome,		

NEGATIVE.

Messrs.	Galt,	Page,
Alvey,	George,	Parran, Chas. S.
Archer,	Giddings,	Parran, John,
Barnes,	Gill,	Pleasants,
Barry,	Goldsborough, T.	Rider,
Bell,	Hayden,	Riggs,
Brewer, of Mont.	Hoblitzell,	Ringgold,
Brown,	Hodson,	Ritchie,
Buchanan,	Howison,	Roman,
Cosgrove,	Ireland,	Spates,
Cunningham,	Jamison,	Starr,
Denson,	Janvier,	Tarr, of Car.
Dent,	Johnson,	Tarr, of Wor.
Devries,	Jones,	Thomas,
Dobbin,	Longwell,	Vansant,
Emack,	Manro,	Watkins, of M.
Evans,	Maulsby,	Wethered,
Farnandis,	McKaig,	Whitman,
Finley,	McMaster,	Wickes—57.
Franklin,		

So the Convention refused to strike out the whole Section.

Mr. Wilkinson submitted the following amendment :

Add at the end of Section 4, "and provided such exchange shall be made within twelve months from the date of the adoption of this Constitution."

Pending the consideration of which,

Mr. Jones moved the previous question.

The question then being,

"Shall the previous question be now put?"

It was sustained.

The question then recurring upon the adoption of the amendment,

It was rejected.

Mr. Page submitted the following amendment ;

Strike out all down to the word "authorized," in the 6th line, and insert in lieu thereof, "the Board of Public Works is hereby;" strike out "the other" and insert "all the," in the 8th line, and insert after the word "improvement," in the 8th line, the words, "except as is hereinafter excepted," and strike out "the Washington Branch of the," in the 13th line.

Pending the consideration of which,

Mr. Denson moved the previous question.

The question then being,

"Shall the previous question be now put?"

It was sustained.

The question then recurring upon the adoption of the amendment,

Mr. Wilkinson demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Groome,	Page,
Brent,	Merryman,	Watkins, of Car.
Brooke,	Nelson,	Wilkinson—9.
Duval,		

NEGATIVE.

Messrs.	Gill,	Morris,
Carmichael, Pr't.	Goldsborough, T.	Murray,
Alvey,	Hammond,	Nicolai,
Archer,	Hardcastle,	Parker,
Austin,	Hayden,	Parran, Chas. S.
Bateman,	Hoblitzell,	Parran, John,
Bell,	Hodson,	Peters,
Brewer, of Mont.	Hollyday,	Pleasants,
Brown,	Howard,	Pole,
Buchanan,	Howison,	Rider,
Carter,	Hubbard,	Riggs,
Cosgrove,	Ireland,	Ringgold,
Cover,	Jamison,	Ritchie,
Cunningham,	Janvier,	Roman.

Denson,	Johnson,	Silver,
Dent,	Jones,	Spates,
Devries,	Longwell,	Starr,
Dobbin,	Mackubin,	Stoddert,
Dorsey,	Manro,	Tarr, of Car.
Emack,	Marbury,	Tarr, of Wor.
Evans,	Maulsby,	Thomas,
Farnandis,	McCormick,	Toadvine,
Finley,	McKaig,	Vansant,
Ford,	McMaster,	Watkins, of Mon.
Galt,	McPherson,	Wethered,
George,	Merrick,	Whitman,
Giddings,	Mitchell,	Wickes—78.

So the amendment submitted by Mr. Page,

Was rejected.

Mr. Carter submitted the following amendment :

Insert after the word "authorized," in line 1, the words
"with the assent of the General Assembly ;

Pending the consideration of which,

Mr. Nelson moved that the Convention do now adjourn,

Decided in the negative

The question then recurring upon the amendment submitted by Mr. Carter,

Mr. George moved the previous question.

The question then being,

"Shall the previous question be now put?"

It was sustained.

The question then recurring upon the adoption of the amendment,

Mr. Carter demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Ford,	Nelson,
Carmichael, Pr't.	Franklin,	Nicolai,
Austin,	Groome,	Parker,
Bateman,	Hollyday,	Parran, John,
Brent,	Keating,	Peters,
Brewer, of Mont.	Marbury,	Stoddert,

Brooke,
Carter,
Cover,
Devries,

Merrick,
Merryman,
Mitchell,
Morris,

Thomas,
Walsh,
Whitman,
Wilkinson—29.

NEGATIVE.

Messrs.

Alvey,
Archer,
Barry,
Bell,
Brown,
Buchanan,
Cosgrove,
Cunningham,
Denson,
Dent,
Dobbin,
Dorsey,
Duvall,
Emack,
Evans,
Farnandis,
Finley,
Galt,
Garey,
George,

Giddings,
Gill,
Goldsborough, T.
Hammond,
Hardcastle,
Hayden,
Hodson,
Howard,
Howison,
Hubbard,
Ireland,
Janvier,
Johnson,
Jones,
Longwell,
Mackubin,
Manro,
Maulsby,
McCormick,
McKaig,
McMaster,

McPherson,
Murray,
Parran, Chas. S.
Pleasants,
Pole,
Rider,
Riggs,
Ringgold,
Ritchie,
Roman,
Silver,
Spates,
Starr,
Syester,
Tarr, of Caroline,
Tarr, of Wor.
Toadvine,
Vansant,
Watkins, of Mont.
Wethered,
Wickes—62.

So the amendment was rejected.

Mr. Merryman submitted the following amendment :

Add at end of Section the following : “The General Assembly is hereby authorized to alter, amend or change the provisions of this Section ;

Pending the consideration of which,

Mr. Walsh submitted the following amendment :

Strike out all after the word “interest,” in line 12, to the word “and,” in line 14 ;

Pending the consideration of which,

Mr. Syester moved the previous question.

“Shall the previous question be now put?”

The question then recurring upon the adoption of the amendment,

Mr. Stoddert demanded the yeas and nays.

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.	Merryman,	Spates,
Carmichael, Pr't.	Mitchell,	Stoddert,
Brent,	Peters,	Walsh—9.
Carter,		

NEGATIVE.

Messrs.	George,	McPherson,
Alvey,	Giddings,	Merrick,
Archer,	Gill,	Morris,
Austin,	Goldsborough, T.	Murray,
Barnes,	Groome,	Parker,
Barry,	Hammond,	Parran, Chas. S.
Bateman,	Hardcastle,	Parran, John,
Bell,	Hayden,	Pleasants,
Brewer, of Mont.	Hodson,	Pole,
Brown,	Hollyday,	Rider,
Buchanan,	Howard,	Riggs,
Cosgrove,	Howison,	Ritchie,
Cover,	Hubbard,	Silver,
Cunningham,	Ireland,	Starr,
Denson,	Jamison,	Syester,
Dent,	Janvier,	Tarr, of Car.
Devries,	Jones,	Tarr, of Wor.
Dobbin,	Keating,	Thomas,
Dorsey,	Longwell,	Toadvine,
Duvall,	Mackubin,	Vansant,
Emack,	Manro,	Watkins, of Mont.
Evans,	Marbury,	Wethered,
Farnandis,	Maulsby,	Whitman,
Finley,	McCormick,	Wickes,
Franklin,	McKaig,	Wilkinson—76.
Galt,	McMaster,	

So the amendment submitted by Mr. Walsh

Was rejected.

The question then recurring upon the amendment submitted by Mr. Merryman,

It was rejected.

The Section, as amended, was then read a second time.

On motion of Mr. Carter,

The Report of the Committee upon Public Works and Corporations, title, Article—Public Works, as amended, was then read a second time, and,

On motion of Mr. Carter,

Ordered to be engrossed for a third reading.

On motion of Mr. Jones,

At 1 o'clock and 15 minutes A. M., the Convention adjourned until Saturday morning, August 17th, at 10 o'clock.

SATURDAY, August 17, 1867.

The Convention met.

Prayer by Rev. Mr. Burke.

Present at the call of the roll the following members :

Messrs. Carmichael, (President,) Alvey, Archer, Austin, Barnes, Barry, Bateman, Bell, Brent, Brewer, of Montgomery, Brooke, Brown, Buchanan, Carter, Chambers, Cosgrove, Cover, Cunningham, Denson, Dent, Devries, Dobbin, Dorsey, Duvall, Emack, Evans, Farnandis, Ferry, Finley, Flaherty, Ford, Franck, Franklin, Galt, Garey, George, Giddings, Gill, Goldsborough, of Dorchester, Groome, Hammond, Hardcastle, Hayden, Hoblitzell, Hodson, Holaday, Horsey, of Somerset, Howard, Howison, Hubbard, Ireland, Jamison, Janvier, Johnson, Jones, Keating, Kilbourn, Lee, Longwell, Mackubin, Manro, Marbury, Massey, Maulsby, McCormick, McKaig, McPherson, Merrick, Merryman, Mitchell, Morris, Motter, Murray, Nelson, Nicolai, Page, Parker, Chas. S. Parran, John Parran, Peters, Pleasants, Pole, Rennolds, Rider, Riggs, Ringgold, Ritchie, Roman, Silver, Spates, Starr, Stoddert, Syester, Tarr, of Caroline, Tarr, of Worcester, Thomas, Toadvine, Vansant, Walsh, Watkins, of Montgomery, Wethered, Whitman, Wickes, Wilkinson—104.

The proceedings of yesterday were read and approved.

Mr. Howison submitted the following order :

Ordered, That the Committee on Accounts be and they are hereby authorized to pay the account of the printer, and such other accounts against the Convention fund as remain unpaid after the adjournment of the Convention ;

Which was adopted.

Mr. Kilbourn submitted the following order :

Ordered, That Thomas A. Mitchell is hereby appointed to take charge of the dome and rotunda of the Capitol until the next session of the General Assembly, to keep said dome and rotunda in order, and see that they are not defaced or injured, and that for his services he shall receive the sum of seventy-five dollars per month.

And it shall be the duty of the Comptroller of the State to draw his warrant in favor of the said Thomas A. Mitchell, on the Treasurer of the State, for any amount that may be due said Mitchell for his services as herein provided, whenever and as often as the said Mitchell may apply for the same, after the adjournment of this Convention; and the Treasurer of the State shall pay the same from any balance still remaining in the Treasury, of the amount appropriated by the last General Assembly to defray the expenses of this Convention.

On motion of Mr. Vansant,

The order was laid on the table.

Mr. Longwell submitted the following order :

Ordered, That the Committee on Accounts be authorized to allow to the Clerk of the Committee on Revision, such sum as it may deem reasonable for the time he shall be actually and necessarily employed after the adjournment of the Convention, in completing the Index to the Journal of Proceedings, and in examining the proof-sheets of the Index and the Constitution ordered to be printed by the printer to this Convention ;

Which was read.

Mr. Barnes submitted the following amendment :

Provided the pay shall not exceed five dollars a day, nor for more than ten days ;

Which was adopted.

The order, as amended,

Was then adopted.

On motion of Mr. Merrick,

The vote by which the order was adopted, fixing the time for adjournment of the Convention *sine die* at 12 o'clock noon, to-day, was reconsidered.

On motion of Mr. Carter,

The order was laid on the table.

On motion of Mr. Carter,

The vote by which the Article entitled, "Miscellaneous," was adopted as an Article of the Constitution,

Was reconsidered.

The Article "Miscellaneous," being then upon a third reading,

On motion of Mr. Carter,

The Article was opened for amendment,

When Mr. Carter, from Committee upon Revision and Compilation, submitted the following

REPORT :

The Committee on Revision and Compilation recommends that the 9th Section of the Article entitled "Miscellaneous," be reconsidered, and that the following be substituted therefor :

"The term of office of all Judges and other officers for whose election provision is made by this Constitution, shall, except in cases otherwise expressly provided herein, commence from the time of their election ; all such officers shall qualify as soon after their election as practicable, and shall enter upon the duties of their respective offices immediately upon their qualification ; and the term of office of the State Librarian and of the Commissioner of the Land Office, shall commence from the time of their appointment."

Respectfully submitted,

J. F. LEE,

Chairman.

Which was adopted.

The Article "Miscellaneous," as amended,

Was then read a third time, and passed by yeas and nays as follows :

AFFIRMATIVE.

Messrs.	George,	Mitchell,
Alvey,	Giddings,	Motter,
Archer,	Gill,	Murray,
Austin,	Goldsborough, D.	Nicolai,
Barnes,	Goldsborough, T.	Page,
Barry,	Groome,	Parker,
Bateman,	Hammond,	Parran, Chas. S.
Bell,	Hardcastle,	Parran, John,
Brent,	Hayden,	Peters,
Brewer, of Mont.	Hodson,	Pleasants,
Brooke,	Hollyday,	Pole,
Brown,	Howard,	Rennolds,
Buchanan,	Howison,	Rider,
Carter,	Hubbard,	Riggs,
Chambers,	Ireland,	Ringgold,

Cosgrove,	Janvier,	Ritchie,
Cunningham,	Johnson,	Roman,
Denson,	Jones,	Silver,
Dent,	Keating,	Spates,
Devries,	Kilbourn,	Starr,
Dobbin,	Lee,	Stoddert,
Dorsey,	Longwell,	Syester,
Duvall,	Mackubin,	Tarr, of Car.
Emack,	Manro,	Tarr, of Wor.
Evans,	Marbury,	Thomas,
Farnandis,	Massey,	Toadvine,
Ferry,	Maulsby,	Vansant,
Finley,	McCormick,	Walsh,
Flaherty,	McKaig,	Watkins, of Mont.
Ford,	McPherson,	Wethered,
Garey,	Morris,	Whitman,
Franck,	Merrick,	Wickes,
Franklin,	Merryman,	Wilkinson—99.
Galt,		

NEGATIVE—None.

The Convention then proceeded to the consideration of the unfinished business.

Being Report of the Committee upon Public Works and Corporations, title, Article—Public Works, said Report being upon a third reading,

On motion of Mr. Lee, Chairman of the Committee upon Revision and Compilation,

The Report was opened for amendment by the Committee.

Mr. Lee submitted the following

REPORT :

The Committee on Revision and Compilation, to which was referred the Engrossed Report of the Committee upon Public Works, has carefully revised the same, and recommends the following amendment :

1. Sec. 2, line 11. Strike out the word "shall."

Respectfully submitted,

J. F. LEE,

Chairman.

Which was adopted.

On motion of Mr. Jones,

The Report was opened for amendment, when

Mr. Jones submitted the following amendment :

Sec. 3, 4th line. Strike out the words, "but in so doing shall exchange," and insert the words, "to the extent only of," and in line 5, after the word "stock" strike out the word "first," and insert the words, "of the State, on which the State is entitled to only six per cent. interest."

Which was adopted.

On motion of Mr. Alvey

The Report was opened for amendment.

Mr. Alvey submitted the following amendment:

Sec. 2, line 9. Insert after the word "elected" the following: "and the President and Directors of the said Chesapeake and Ohio Canal Company shall so regulate the tolls of said Company from time to time, as to produce the largest amount of revenue, and to avoid the injurious effects to said Company of trivial competition by other internal improvement companies."

Which was read.

Mr. Barnes submitted the following amendment to the amendment:

Strike out all after the word "revenue," in proposed amendment;

Which was rejected.

The question then recurring upon the adoption of the amendment submitted by Mr. Alvey,

It was adopted.

The third reading of the Report was then proceeded with;

Pending which,

Mr. Dobbin moved the previous question.

The question then being,

"Shall the previous question be now put?"

It was sustained.

The question then recurring upon the third reading of the Report,

The Report, as amended, was read a third time and passed,

By yeas and nays as follows:

AFFIRMATIVE.

Messrs.
Alvey,
45

Flaherty,
Ford,

Manro,
Marbury,

Archer,	Franck,	Massey,
Austin,	Galt,	McCormick,
Barnes,	Galt,	McPherson,
Barry,	Garey,	Merrick
Bateman,	George,	Morris,
Bell,	Giddings,	Motter,
Brent,	Gill,	Murray,
Brewer, of Mont.	Goldsborough, D.	Nicolai,
Brooke,	Goldsborough, T.	Parran, John,
Brown,	Hammond,	Peters,
Buchanan,	Hardcastle,	Pleasants,
Carter,	Hayden,	Pole,
Chambers,	Hodson,	Rennolds
Cosgrove,	Hollyday,	Rider,
Cunningham,	Horsey, of Som.	Riggs,
Denson,	Howard,	Ringgold,
Dent,	Hubbard,	Syester,
Devries,	Ireland,	Tarr, of Car.
Dobbin,	Jamison,	Tarr, of Wor.
Dorsey,	Janvier,	Thomas,
Duvall,	Johnson,	Toadvine,
Emack,	Jones,	Vansant,
Evans,	Keating,	Wethered,
Farnandis,	Kilbourn,	Whitman,
Ferry,	Longwell,	Wickes,
Finley,	Mackubin,	Wilkinson—82.

NEGATIVE.

Messrs.	Merryman,	Stoddert—3.
Lee,		

Mr. Nelson submitted the following order :

Ordered, That the thanks of this Convention are tendered to the Hon. John B. Brooke, for the urbanity and fidelity with which he has discharged the duties of temporary presiding officer ;

Which was unanimously adopted.

Mr. Manro submitted the following order :

Ordered, That the thanks of this Convention are tendered to the Hon. Joshua Vansant, for urbane and faithful manner in which he has performed the duty of temporary presiding officer ;

Which was unanimously adopted.

Mr. Jamison submitted the following order :

Ordered, That the thanks of this Convention are due and are hereby tendered to the Hon. John H. Dent, for the able

and impartial manner with which he has discharged the temporary duties of the Chair ;

Which was unanimously adopted.

Mr. Stoddert submitted the following order :

Ordered, That the thanks of this Convention are tendered to the Hon. Robert Ford, for the able and impartial manner in which he has discharged the duties of temporary presiding officer ;

Which was unanimously adopted.

Mr. Garey submitted the following order :

Ordered, That the thanks of this body be and are hereby tendered to the Hon. E. G. Kilbourn, for the dignity and ability with which he has discharged the duties of temporary Chairman ;

Which was unanimously adopted.

Mr. Lee, Chairman of the Committee upon Revision and Compilation, submitted the following Report, accompanied by the Constitution, as a whole :

The Committee on Revision and Compilation, to which, under the order of the Convention of August 7th, were re-committed the Articles of the Constitution severally passed by the Convention, with instructions to arrange and compile the same in the order they ought to be, to form the entire Constitution, has performed the duty assigned to it, and arranged the said several Articles in the following order :

1. Declaration of Rights.
2. Article I—Elective Franchise.
3. Article II—Executive Department.
4. Article III—Legislative Department.
5. Article IV—Judiciary Department.
6. Article V—Attorney General.
7. Article VI—Treasury Department.
8. Article VII—Sundry Officers.
9. Article VIII—Education.
10. Article IX—Militia and Military Affairs.
11. Article X—Labor and Agriculture.
12. Article XI—City of Baltimore.
13. Article XII—Public Works.
14. Article XIII—New Counties.
15. Article XIV—Amendments to the Constitution.
16. Article XV—Miscellaneous.

And the Committee now reports the Constitution in readiness for the final approval of the said arrangement, and for the signature of the President, and the attestation of the Secretary, by whom the Committee recommends it shall be deposited in the office of the Clerk of the Court of Appeals.

Respectfully submitted,

J. F. LEE,

Chairman.

The question recurring upon the adoption of the Report of the Committee and the Constitution as a Whole,

Mr. Bateman demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.		
Carmichael, Pr't.	Garey,	Merryman,
Alvey,	George,	Mitchell,
Archer,	Giddings,	Morris,
Austin,	Gill,	Motter,
Barnes,	Goldsborough, D.	Murray,
Barry,	Goldsborough, T.	Nelson,
Bateman,	Groome,	Nicolai,
Bell,	Hammond,	Page,
Brent,	Hardcastle,	Parker,
Brewer, of Mont.	Hayden,	Parran, Chas. S.
Brown,	Henderson,	Parran, John,
Buchanan,	Hoblitzell,	Pleasants,
Carter,	Hodson,	Pole,
Chambers,	Hollyday,	Rider,
Cosgrove,	Howard,	Riggs,
Cover,	Howison,	Ringgold,
Cunningham,	Hubbard,	Ritchie,
Denson,	Ireland,	Roman,
Dent,	Jamison,	Silver,
Devries,	Janvier,	Spates,
Dobbin,	Johnson,	Starr,
Dorsey,	Jones,	Syester,
Duvall,	Keating,	Tarr, of Car.
Emack,	Kilbourn,	Tarr, of Wor.
Evans,	Longwell,	Thomas,
Farnandis,	Mackubin,	Toadvine,
Ferry,	Manro,	Vansant,
Finley,	Marbury,	Walsh,
Flaherty,	Massey,	Watkins, of Mont.
Ford,	Maulsby,	Wethered,
Franck,	McCormick,	Whitman,
Franklin,	McKaig,	Wickes,
Galt,	McPherson,	Wilkinson—100.
	Merrick,	

NEGATIVE.

Messrs.	Peters,	Stoddert—4.
Horsey, of Som.	Rennolds,	

So the Report of the Committee, and the Constitution, as a whole, were adopted.

On motion of Mr. Dobbin,

The Constitution was then signed by the President and attested by the Secretary, in the presence of the Convention standing, and deposited by the Secretary in the office of the Clerk of the Court of Appeals.

Upon his return, the Secretary reported that he had discharged the duty entrusted to him, under order of the Convention.

Mr. Nicolai submitted the following order:

Ordered, That the thanks of this Convention be, and are hereby tendered to Milton Y. Kidd, Secretary, and Thomas H. Moore, Assistant Secretary, for the courteous and efficient manner in which they have discharged the laborious duties of their respective offices.

Which was unanimously adopted.

On motion of Mr. Brooke,

The order which was, on yesterday, unanimously adopted, tendering a vote of thanks to the President, was read.

The President then arose and delivered the following address:

Gentlemen of the Convention:

Words are not required to convey the high sense which fills me, of this parting testimony. Be your hearts my true interpreter! It is another fair flower wove in the chaplet with which your favor crowned me at the beginning of our session.

One thing I would have you believe truly—that it has been the constant purpose of my mind and heart to deserve it.

Whatever of error or short-coming has obtained in my administration of the duties of this high place, this generous vote has cancelled.

I renew and repeat my thanks. You will carry home with you, individually and collectively, one and all, and you will possess through life, my sincere regard and best wishes.

It may be permitted me to say, that the members of this Convention have borne their relations here, to the State and

to each other, as became themselves and the occasion—differing often and earnestly, with the warmth of conscious truth, but with the forbearance which belongs to virtuous life and education. May I add that another—one other duty belongs to this relation: That we take this Constitution to the people for their sanction and approval; that we explain it truly and patiently. This duty we *do* owe to the State, to each other, and to ourselves. If it be done, and faithfully, this Constitution the people will pronounce “good.” It has been wrought into *form* amid the chaos resulting from political convulsions. It cannot have vital force but by the fiat of the popular will.

Continue, then, your labors, without faltering, to the end; and, betide what may, we shall enjoy the solace that we have fought “the good fight,” that we “have kept the faith.”

With my thanks again, gentlemen, I take leave of you.

Farewell! farewell!

The President then, at 2 o'clock and 30 minutes P. M., pronounced the Convention adjourned *sine die*.

THE CONSTITUTION.

DECLARATION OF RIGHTS.

We, the people of the State of Maryland, grateful to Almighty God for our civil and religious liberty, and taking into our serious consideration the best means of establishing a good Constitution in this State for the sure foundation and more permanent security thereof; declare,

ARTICLE 1. That all government of right originates from the people, is founded in compact only, and instituted solely for the good of the whole; and they have at all times, the inalienable right to alter, reform or abolish, their Form of Government, in such manner as they may deem expedient.

ART. 2. The Constitution of the United States, and the Laws made, or which shall be made in pursuance thereof, and all Treaties made, or which shall be made, under the authority of the United States, are, and shall be the Supreme Law of the State; and the Judges of this State, and all the people of this State, are, and shall be bound thereby; anything in the Constitution or Law of this State to the contrary notwithstanding.

ART. 3. The powers not delegated to the United States by the Constitution thereof, nor prohibited by it to the States, are reserved to the States, respectively, or to the people thereof.

ART. 4. That the people of this State have the sole and exclusive right of regulating the internal government and police thereof, as a free, sovereign and independent State.

ART. 5. That the Inhabitants of Maryland are entitled to the Common Law of England, and the trial by jury, according to the course of that Law, and to the benefit of such of the English Statutes, as existed on the Fourth day of July, seventeen hundred and seventy-six, and which, by experience, have been found applicable to their local and other circumstances; and have been introduced, used and practiced by the Courts of Law or Equity; and also of all Acts

of Assembly in force on the first day of June, eighteen hundred and sixty-seven ; except such as may have since expired, or may be inconsistent with the provisions of this Constitution ; subject, nevertheless, to the revision of, and amendment or repeal by the Legislature of this State ; and the Inhabitants of Maryland are also entitled to all property derived to them from, or under the Charter granted by His Majesty, Charles the First to Cæcilius Calvert, Baron, of Baltimore.

ART. 6. That all persons invested with the Legislative or Executive powers of Government are the Trustees of the Public, and as such, accountable for their conduct :—Wherefore, whenever the ends of Government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the people may, and of right ought to reform the old, or establish a new Government ; the doctrine of non-resistance against arbitrary power and oppression is absurd, slavish and destructive of the good and happiness of mankind.

ART. 7. That the right of the people to participate in the Legislature is the best security of liberty, and the foundation of all free Government ; for this purpose, elections ought to be free and frequent ; and every white male citizen, having the qualifications prescribed by the Constitution, ought to have the right of suffrage.

ART. 8. That the Legislative, Executive and Judicial powers of Government ought to be forever separate and distinct from each other ; and no person exercising the functions of one of said Departments, shall assume, or discharge the duties of any other.

ART. 9. That no power of suspending Laws, or the execution of Laws, unless by, or derived from the Legislature, ought to be exercised, or allowed.

ART. 10. That freedom of speech and debate, or proceedings in the Legislature ought not to be impeached in any Court of Judicature.

ART. 11. That Annapolis be the place of meeting of the Legislature ; and the Legislature ought not to be convened, or held at any other place but from evident necessity.

ART. 12. That for redress of grievances, and for amending, strengthening and preserving the Laws, the Legislature ought to be frequently convened.

ART. 13. That every man hath a right to petition the Legislature for the redress of grievances in a peaceable and orderly manner.

ART. 14. That no aid, charge, tax, burthen, or fees ought to be rated or levied, under any pretence, without the consent of the Legislature.

ART. 15. That the levying of taxes by the poll is grievous and oppressive, and ought to be prohibited; that paupers ought not to be assessed for the support of the Government; but every person in the State, or person holding property therein, ought to contribute his proportion of public taxes for the support of the Government, according to his actual worth in real or personal property; yet, fines, duties or taxes may properly and justly be imposed, or laid, with a political view, for the good Government and benefit of the community.

ART. 16. That sanguinary Laws ought to be avoided as far as it is consistent with the safety of the State; and no Law to inflict cruel and unusual pains and penalties ought to be made in any case, or at any time hereafter.

ART. 17. That retrospective Laws, punishing acts committed before the existence of such Laws, and by them only declared criminal, are oppressive, unjust and incompatible with liberty; wherefore, no *ex post facto* Law ought to be made, nor any retrospective oath, or restriction be imposed, or required.

ART. 18. That no Law to attain particular persons of treason, or felony ought to be made in any case, or at any time hereafter.

ART. 19. That every man for any injury done to him in his person, or property, ought to have remedy by the course of the Law of the land, and ought to have justice and right, freely without sale, fully without any denial, and speedily without delay, according to the Law of the Land.

ART. 20. That the trial of facts, where they arise, is one of the greatest securities of the lives, liberties and estate of the people.

ART. 21. That in all criminal prosecutions, every man hath a right to be informed of the accusation against him; to have a copy of the indictment, or charge, in due time, if required, to prepare for his defence; to be allowed counsel; to be confronted with the witnesses against him; to have process for his witnesses; to examine the witnesses for and against him on oath; and to a speedy trial by an impartial jury, without whose unanimous consent he ought not to be found guilty.

ART. 22. That no man ought to be compelled to give evidence against himself in a criminal case.

ART. 23. That no man ought to be taken, or imprisoned, or disseized of his freehold, liberties or privileges, or outlawed, or exiled, or in any manner destroyed, or deprived of his life, liberty or property but by the judgment of his peers, or by the Law of the Land.

ART. 24. That Slavery shall not be re-established in this State, but having been abolished, under the policy and authority of the United States, compensation, in consideration thereof, is due from the United States.

ART. 25. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted by the Courts of Law.

ART. 26. That all warrants, without oath or affirmation, to search suspected places, or to seize any person, or property, are grievous and oppressive; and all general warrants to search suspected places, or to apprehend suspected persons, without naming or describing the place, or the person in special, are illegal, and ought not to be granted.

ART. 27. That no conviction shall work corruption of blood, or forfeiture of estate.

ART. 28. That a well regulated Militia is the proper and natural defence of a free Government.

ART. 29. That Standing Armies are dangerous to liberty, and ought not to be raised, or kept up without the consent of the Legislature.

ART. 30. That in all cases, and at all times, the Military ought to be under strict subordination to, and control of the civil power.

ART. 31. That no soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor, in time of war, except in the manner prescribed by Law.

ART. 32. That no person except regular soldiers, and marines and mariners in the service of this State, or Militia, when in actual service, ought, in any case, to be subject to, or punishable by Martial Law.

ART. 33. That the independence and uprightness of Judges are essential to the impartial administration of justice, and a great security to the rights and liberties of the people; wherefore, the Judges shall not be removed except in the manner, and for the causes provided in this Constitution. No Judge shall hold any other office, civil or military, or political trust, or employment of any kind, whatsoever, under the Constitution or Laws of this State, or of the United States, or any of them; or receive fees, or perquisites of any kind for the discharge of his official duties.

ART. 34. That a long continuance in the Executive Departments of power, or trust, is dangerous to liberty ; a rotation, therefore, in those Departments, is one of the best securities of permanent freedom.

ART. 35. That no person shall hold, at the same time, more than one office of profit, created by the Constitution or Laws of this State ; nor shall any person in public trust receive any present from any foreign Prince or State, or from the United States, or any of them, without the approbation of this State.

ART. 36. That as it is the duty of every man to worship God in such manner as he thinks most acceptable to him, all persons are equally entitled to protection in their religious liberty ; wherefore, no person ought, by any Law, to be molested in his person or estate, on account of his religious persuasion, or profession, or for his religious practice, unless under the color of religion he shall disturb the good order, peace or safety of the State, or shall infringe the Laws of morality, or injure others in their natural, civil or religious rights, nor ought any person to be compelled to frequent, or maintain, or contribute, unless on contract, to maintain any place of worship, or any ministry ; nor shall any person, otherwise competent, be deemed incompetent, as a witness, or juror, on account of his religious belief ; provided, he believes in the existence of God, and that, under His dispensation, such person will be held morally accountable for his acts, and be rewarded or punished therefor, either in this world, or the world to come.

ART. 37. That no religious test ought ever to be required as a qualification for any office of profit or trust, in this State, other than a declaration of belief in the existence of God ; nor shall the Legislature prescribe any other oath of office than the oath prescribed by this Constitution.

ART. 38. That every gift, sale or devise of land, to any Minister, Public Teacher or Preacher of the Gospel, as such, or to any Religious Sect, Order or Denomination, or to, or for the support, use or benefit of, or in trust for any Minister, Public Teacher or Preacher of the Gospel, as such, or any Religious Sect, Order or Denomination, and every gift, or sale of goods, or chattels, to go in succession, or to take place after the death of the Seller or Donor, to or for such support, use or benefit, and also every devise of goods, or chattels to or for the support or benefit of any Minister, Public Teacher or Preacher of the Gospel, as such, or any Religious Sect, Order or Denomination, without the prior, or subsequent sanction of the Legislature, shall be void ; except always, any sale, gift, lease, or devise of any quantity of land, not

exceeding five acres, for a Church, Meeting House, or other House of Worship, or Parsonage, or for a Burying Ground, which shall be improved, enjoyed, or used only for such purpose ; or such sale, gift, lease, or devise, shall be void.

ART. 39. That the manner of administering an oath, or affirmation to any person ought to be such as those of the religious persuasion, profession, or denomination, of which he is a member, generally esteem the most effectual confirmation by the attestation of the Divine Being.

ART. 40. That the liberty of the press ought to be inviolably preserved ; that every citizen of the State ought to be allowed to speak, write and publish his sentiments on all subjects, being responsible for the abuse of that privilege.

ART. 41. That monopolies are odious, contrary to the spirit of a free government and the principles of commerce, and ought not to be suffered.

ART. 42. That no title of nobility, or hereditary honors, ought to be granted in this State.

ART. 43. That the Legislature ought to encourage the diffusion of knowledge and virtue, the extension of a judicious system of general education, the promotion of literature, the arts, sciences, agriculture, commerce and manufactures, and the general melioration of the condition of the people.

ART. 44. That the provisions of the Constitution of the United States, and of this State, apply as well in time of war as in time of peace ; and any departure therefrom, or violation thereof, under the plea of necessity, or any other plea, is subversive of good government, and tends to anarchy and despotism.

ART. 45. This enumeration of rights shall not be construed to impair, or deny others retained by the People.

ARTICLE I.

ELECTIVE FRANCHISE.

Section 1. All elections shall be by ballot ; and every white male citizen of the United States, of the age of twenty-one years, or upwards, who has been a resident of the State for one year, and of the legislative district of Baltimore City, or of the county, in which he may offer to vote, for six months next preceding the election, shall be entitled to vote in the ward, or election district, in which he resides, at all elections hereafter to be held in this State ; and in case any county, or city, shall be so divided as to form portions of different electoral districts, for the election of Representatives

in Congress, Senators, Delegates, or other officers, then to entitle a person to vote for such officer, he must have been a resident of that part of the county, or city, which shall form a part of the electoral district in which he offers to vote, for six months next preceding the election; but a person who shall have acquired a residence in such county, or city, entitling him to vote at any such election, shall be entitled to vote in the election district from which he removed, until he shall have acquired a residence in the part of the county, or city, to which he has removed.

Sec. 2. No person above the age of twenty-one years, convicted of larceny, or other infamous crime, unless pardoned by the Governor, shall ever thereafter be entitled to vote at any election in this State; and no person under guardianship as a lunatic, or as a person *non compos mentis*, shall be entitled to vote.

Sec. 3. If any person shall give, or offer to give, directly or indirectly, any bribe, present or reward, or any promise, or any security for the payment or the delivery of money, or any other thing, to induce any voter to refrain from casting his vote, or to prevent him in any way from voting, or to procure a vote for any candidate, or person, proposed, or voted for, as Elector of President and Vice President of the United States, or Representative in Congress, or for any office of profit or trust, created by the Constitution or Laws of this State, or by the ordinances or authority of the Mayor and City Council of Baltimore, the person giving, or offering to give, and the person receiving the same, and any person who gives, or causes to be given, an illegal vote, knowing it to be such, at any election to be held hereafter in this State, shall, on conviction in a Court of Law, in addition to the penalties now or hereafter to be imposed by Law, be forever disqualified to hold any office of profit or trust, or to vote at any election thereafter.

Sec. 4. It shall be the duty of the General Assembly to pass Laws to punish, with fine and imprisonment, any person who shall remove into any election district, or precinct of any ward in the City of Baltimore, not for the purpose of acquiring a *bona fide* residence therein, but for the purpose of voting at an approaching election, or who shall vote in any election district, or ward, in which he does not reside, (except in the case provided for in this Article, or shall, at the same election, vote in more than one election district or precinct, or shall vote or offer to vote in any name not his own, or in place of any other person of the same name, or shall vote in any county in which he does not reside.

Sec. 5. The General Assembly shall provide by Law for a uniform registration of the names of all the voters in this

State, who possess the qualifications prescribed in this Article; which registration shall be conclusive evidence to the Judges of election of the right of every person, thus registered, to vote at any election thereafter held in this State; but no person shall vote at any election, Federal or State, hereafter to be held in this State, or at any municipal election in the City of Baltimore, unless his name appears in the list of registered voters; and until the General Assembly shall hereafter pass an Act for the registration of the names of voters, the Law in force on the first day of June, in the year eighteen hundred and sixty-seven, in reference thereto, shall be continued in force, except so far as it may be inconsistent with the provisions of this Constitution; and the registry of voters, made in pursuance thereof, may be corrected as provided in said Law; but the names of all persons shall be added to the list of qualified voters by the officers of Registration, who have the qualifications, prescribed in the first section of this Article, and who are not disqualified under the provisions of the second and third sections thereof.

Sec. 6. Every person, elected, or appointed to any office of profit or trust, under this Constitution, or under the Laws made pursuant thereto, shall, before he enters upon the duties of such office, take and subscribe the following oath, or affirmation: I, ——— do swear (or affirm, as the case may be,) that I will support the Constitution of the United States, and that I will be faithful and bear true allegiance to the State of Maryland, and support the Constitution and Laws thereof; and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality, or prejudice, execute the office of ———, according to the Constitution and Laws of the State (and if a Governor, Senator, Member of the House of Delegates, or Judge,) that I will not directly, or indirectly, receive the profits, or any part of the profits, of any other office during the term of my acting as ———.

Sec. 7. Every person, hereafter elected, or appointed to office, in this State, who shall refuse, or neglect to take the oath or affirmation of office, provided for in the sixth section of this article, shall be considered as having refused to accept the said office; and a new election, or appointment, shall be made, as in case of refusal to accept, or resignation of an office; and any person violating said oath, shall, on conviction thereof, in a Court of Law, in addition to the penalties now, or hereafter, to be imposed by Law, be thereafter incapable of holding any office of profit or trust in this State.

ARTICLE II. EXECUTIVE DEPARTMENT.

Section 1. The Executive power of the State shall be vested in a Governor, whose term of office shall commence on the

second Wednesday of January next ensuing his election, and continue for four years, and until his successor shall have qualified ; but the Governor chosen at the first election under this Constitution, shall not enter upon the discharge of the duties of the office until the expiration of the term for which the present incumbent was elected, unless the said office shall become vacant by death, resignation, removal from the State, or other disqualification of the said incumbent.

Sec. 2. An election for Governor under this Constitution, shall be held on the Tuesday next after the first Monday of November, in the year eighteen hundred and sixty-seven, and on the same day and month in every fourth year thereafter, at the place of voting for Delegates to the General Assembly ; and every person qualified to vote for Delegates shall be qualified and entitled to vote for Governor ; the election to be held in the same manner as the election of Delegates ; and the returns thereof, under seal, to be addressed to the Speaker of the House of Delegates, and enclosed and transmitted to the Secretary of State, and delivered to said Speaker at the commencement of the session of the General Assembly next ensuing said election.

Sec. 3. The Speaker of the House of Delegates shall then open the said Returns in the presence of both Houses ; and the person having the highest number of votes, and being constitutionally eligible, shall be the Governor, and shall qualify, in the manner herein prescribed, on the second Wednesday of January next ensuing his election, or as soon thereafter as may be practicable.

Sec. 4. If two or more persons shall have the highest and an equal number of votes for Governor, one of them shall be chosen Governor by the Senate and House of Delegates ; and all questions in relation to the eligibility of Governor, and to the Returns of said election, and to the number and legality of votes therein given, shall be determined by the House of Delegates ; and if the person, or persons having the highest number of votes, be ineligible, the Governor shall be chosen by the Senate and House of Delegates. Every election of Governor, by the General Assembly, shall be determined by a joint majority of the Senate and House of Delegates, and the vote shall be taken *viva voce* ; but if two or more persons shall have the highest and an equal number of votes, then a second vote shall be taken, which shall be confined to the persons having an equal number ; and if the vote should again be equal, then the election of Governor shall be determined by lot between those who shall have the highest and an equal number on the first vote.

Sec. 5. A person to be eligible to the office of Governor, must have attained the age of thirty years, and must have been for ten years a citizen of the State of Maryland, and for five years next preceding his election, a resident of the State, and at the time of his election a qualified voter therein.

Sec. 6. In case of the death or resignation of the Governor, or of his removal from the State, or other disqualification, the General Assembly, if in session, or, if not, at their next session, shall elect some other qualified person to be Governor for the residue of the term for which the said Governor had been elected.

Sec. 7. In case of any vacancy in the office of Governor, during the recess of the Legislature, the President of the Senate shall discharge the duties of said office until a Governor is elected, as herein provided for; and in case of the death or resignation of the said President, or of his removal from the State, or of his refusal to serve, then the duties of said office shall, in like manner, and for the same interval, devolve upon the Speaker of the House of Delegates; and the Legislature may provide by Law for the impeachment of the Governor, and in case of his conviction, or his inability, may declare what person shall perform the Executive duties; and for any vacancy in said office not herein provided for, provision may be made by Law; and if such vacancy should occur without such provision being made, the Legislature shall be convened by the Secretary of State for the purpose of filling said vacancy.

Sec. 8. The Governor shall be the Commander-in-Chief of the Land and Naval Forces of the State, and may call out the Militia to repel invasions, suppress insurrections, and enforce the execution of the Laws; but shall not take the command in person without the consent of the Legislature.

Sec. 9. He shall take care that the Laws are faithfully executed.

Sec. 10. He shall nominate, and by and with the advice and consent of the Senate, appoint all civil and military officers of the State, whose appointment or election is not otherwise herein provided for; unless a different mode of appointment be prescribed by the Law creating the office.

Sec. 11. In case of any vacancy, during the recess of the Senate, in any office, which the Governor has power to fill, he shall appoint some suitable person to said office, whose commission shall continue in force until the end of the next session of the Legislature, or until some other person is appointed to the same office, whichever shall first occur; and the nomination of the person thus appointed during the recess,

or of some other person in his place, shall be made to the Senate, within thirty days after the next meeting of the Legislature.

Sec. 12. No person, after being rejected by the Senate, shall be again nominated for the same office at the same session, unless at the request of the Senate; or be appointed to the same office during the recess of the Legislature.

Sec. 13. All civil officers, appointed by the Governor and Senate, shall be nominated to the Senate within fifty days from the commencement of each regular session of the Legislature; and their term of office, except in cases otherwise provided for in this Constitution, shall commence on the first Monday of May next ensuing their appointment, and continue for two years unless removed from office, and until their successors respectively qualify according to Law; but the term of office of the Inspectors of Tobacco shall commence on the first Monday of March next ensuing their appointment.

Sec. 14. If a vacancy shall occur during the session of the Senate, in any office, which the Governor and Senate have the power to fill, the Governor shall nominate to the Senate before its final adjournment, a proper person to fill said vacancy, unless such vacancy occurs within ten days before said final adjournment.

Sec. 15. The Governor may suspend, or arrest any military officer of the State for disobedience of orders, or other military offence; and may remove him in pursuance of the sentence of a Court Martial; and may remove for incompetency or misconduct, all civil officers, who received appointment from the Executive for a term of years.

Sec. 16. The Governor shall convene the Legislature, or the Senate alone, on extraordinary occasions; and whenever, from the presence of an enemy, or from other cause, the Seat of Government shall become an unsafe place for the meeting of the Legislature, he may direct their sessions to be held at some other convenient place.

Sec. 17. To guard against hasty or partial legislation and encroachments of the Legislative Department upon the co-ordinate Executive and Judicial Departments, every bill which shall have passed the House of Delegates and the Senate, shall, before it becomes a law, be presented to the Governor of the State; if he approve, he shall sign it; but if not, he shall return it with his objections to the House in which it originated, which House shall enter the objections at large on its Journal, and proceed to re-consider the Bill; if after such re-consideration, three-fifths of the members elected to that House shall pass the bill, it shall be sent, with the objections, to the other House, by which it shall likewise

be re-considered, and if passed by three-fifths of the members elected to that House, it shall become a Law ; but in all such cases, the votes of both Houses shall be determined by yeas and nays ; and the names of the persons voting for or against the bill, shall be entered on the Journal of each House respectively ; if any bill shall not be returned by the Governor within six days, (Sundays excepted,) after it shall have been presented to him, the same shall be a Law in like manner as if he signed it ; unless the General Assembly shall by adjournment prevent its return, in which case it shall not be a Law.

Sec. 18. It shall be the duty of the Governor, semi-annually, and oftener if he deem it expedient, to examine, under oath, the Treasurer and Comptroller of the State, on all matters pertaining to their respective offices, and inspect and review their Bank and other Account Books.

Sec. 19. He shall, from time to time, inform the Legislature of the condition of the State, and recommend to their consideration such measures as he may judge necessary and expedient.

Sec. 20. He shall have power to grant reprieves and pardons except in cases of impeachment, and in cases in which he is prohibited by other Articles of this Constitution ; and to remit fines and forfeitures for offences against the State ; but shall not remit the principal or interest of any debt due the State, except in cases of fines, and forfeitures ; and before granting a *nolle prosequi*, or pardon, he shall give notice, in one or more newspapers, of the application made for it, and of the day on, or after which, his decision will be given ; and in every case, in which he exercises this power, he shall report to either branch of the Legislature, whenever required, the petitions, recommendations and reasons, which influenced his decision.

Sec. 21. The Governor shall reside at the Seat of Government, and receive for his services an annual salary of four thousand five hundred dollars.

Sec. 22. A Secretary of State shall be appointed by the Governor, by and with the advice and consent of the Senate, who shall continue in office, unless sooner removed by the Governor, till the end of the official term of the Governor, from whom he received his appointment, and receive an annual salary of two thousand dollars, and shall reside at the Seat of Government ; and the office of private Secretary shall henceforth cease.

Sec. 23. The Secretary of State shall^a carefully keep and preserve a record of all official acts and proceedings, (which may at all times be inspected by a Committee of either Branch

of the Legislature,) and he shall perform such other duties as may be prescribed by Law, or as may properly belong to his office, together with all clerical duty belonging to the Executive Department.

ARTICLE III.

LEGISLATIVE DEPARTMENT.

Section 1. The Legislature shall consist of two distinct branches—a Senate, and a House of Delegates, and shall be styled the General Assembly of Maryland.

Sec. 2. Each County in the State, and each of the three Legislative Districts of Baltimore City, as they are now, or may hereafter be defined, shall be entitled to one Senator, who shall be elected by the qualified voters of the Counties, and of the Legislative Districts of Baltimore City, respectively, and shall serve for four years from the date of his election, subject to the classification of Senators, hereafter provided for.

Sec. 3. Until the taking and publishing of the next National Census, or until the enumeration of the population of this State, under the Authority, thereof, the several Counties, and the City of Baltimore, shall have representation in the House of Delegates, as follows: Allegany County, five Delegates; Anne Arundel County, three Delegates; Baltimore County, six Delegates; each of the three Legislative Districts of the City of Baltimore, six Delegates; Calvert County, two Delegates; Caroline County, two Delegates; Carroll County, four Delegates; Cecil County, four Delegates; Charles County, two Delegates; Dorchester County, three Delegates; Frederick County, six Delegates; Harford County, four Delegates; Howard County, two Delegates; Kent County, two Delegates; Montgomery County, three Delegates; Prince George's County, three Delegates; Queen Anne's County, two Delegates; Saint Mary's County, two Delegates; Somerset County, three Delegates; Talbot County, two Delegates; Washington County, five Delegates; and Worcester County, three Delegates.

Sec. 4. As soon as may be, after the taking and publishing of the next National Census, or after the enumeration of the population of this State, under the Authority thereof, there shall be an apportionment of Representation in the House of Delegates, to be made on the following basis, to-wit: Each of the several Counties of the State, having a population of eighteen thousand souls; or less, shall be entitled to two Delegates; and every County, having a population of over eighteen thousand, and less than twenty-eight thousand souls, shall be entitled to three Delegates; and every County having

a population of twenty-eight thousand, and less than forty thousand souls, shall be entitled to four Delegates ; and every County having a population of forty thousand, and less than fifty-five thousand souls, shall be entitled to five Delegates ; and every County having a population of fifty-five thousand souls, and upwards, shall be entitled to six Delegates, and no more ; and each of the three Legislative Districts of the City of Baltimore shall be entitled to the number of Delegates to which the largest County shall, or may be entitled, under the foregoing apportionment. And the General Assembly shall have power to provide by Law, from time to time, for altering and changing the boundaries of the three existing Legislative Districts of the City of Baltimore, so as to make them, as near as may be, of equal population ; but said Districts shall always consist of contiguous territory.

Sec. 5. That immediately after the taking and publishing of the next National Census, or after any State enumeration of population, as aforesaid, it shall be the duty of the Governor, then being, to arrange the Representation in said House of Delegates, in accordance with the apportionment herein provided for ; and to declare, by Proclamation, the number of Delegates, to which each County, and the City of Baltimore may be entitled, under such apportionment ; and after every National Census, taken thereafter, or after any State enumeration of population thereafter made, it shall be the duty of the Governor, for the time being, to make similar adjustment of Representation, and to declare the same by Proclamation as aforesaid.

Sec. 6. The members of the House of Delegates shall be elected by the qualified voters of the Counties, and the Legislative Districts of Baltimore City, respectively, to serve for two years from the day of their election.

Sec. 7. The first election for Senators and Delegates shall take place on the Tuesday next, after the first Monday in the month of November, eighteen hundred and sixty-seven ; and the election for Delegates, and as nearly as practicable, for one-half of the Senators, shall be held on the same day, in every second year thereafter.

Sec. 8. Immediately after the Senate shall have convened, after the first election under this Constitution, the Senators shall be divided by lot, into two classes, as nearly equal in number as may be—Senators of the first class shall go out of office at the expiration of two years, and Senators shall be elected on the Tuesday next after the first Monday in the month of November, eighteen hundred and sixty-nine, for the term of four years, to supply their places ; so that, after the first election, one-half of the Senators may be chosen every

second year. In case the number of Senators be hereafter increased, such classification of the additional Senators shall be made as to preserve, as nearly as may be, an equal number in each class.

Sec. 9. No person shall be eligible as a Senator or Delegate, who at the time of his election, is not a citizen of the State of Maryland, and who has not resided therein, for at least three years, next preceding the day of his election, and the last year thereof, in the County, or in the Legislative District of Baltimore City, which he may be chosen to represent, if such County, or Legislative District of said City, shall have been so long established; and if not, then in the County, or City, from which, in whole, or in part, the same may have been formed; nor shall any person be eligible as a Senator, unless he shall have attained the age of twenty-five years, nor as a Delegate, unless he shall have attained the age of twenty-one years, at the time of his election.

Sec. 10. No member of Congress, or person holding any civil, or military office under the United States, shall be eligible as a Senator, or Delegate; and if any person shall after his election as Senator, or Delegate, be elected to Congress, or be appointed to any office, civil, or military, under the Government of the United States, his acceptance thereof, shall vacate his seat.

Sec. 11. No minister or Preacher of the Gospel, or of any religious creed or denomination, and no person holding any civil office of profit or trust, under this State, except Justices of the Peace, shall be eligible as Senator, or Delegate.

Sec. 12. No Collector, Receiver or Holder of public money shall be eligible as Senator or Delegate, or to any office of profit or trust, under this State, until he shall have accounted for, and paid into the Treasury all sums on the books thereof charged to and due by him.

Sec. 13. In case of death, disqualification, resignation, refusal to act, expulsion, or removal from the county, or city, for which he shall have been elected, of any person, who shall have been chosen as a Delegate, or Senator, or in case of a tie between two or more such qualified persons, a warrant of election shall be issued by the Speaker of the House of Delegates, or President of the Senate, as the case may be, for the election of another person in his place, of which election not less than ten days notice shall be given, exclusive of the day of the publication of the notice, and of the day of election; and, if during the recess of the Legislature, and more than ten days before its termination, such death shall occur, or such resignation, refusal to act, or disqualification, be communicated in writing to the Governor by the person so re-

signing, refusing, or disqualified, it shall be the duty of the Governor to issue a warrant of election to supply the vacancy thus created, in the same manner the said Speaker or President might have done, during the session of the General Assembly; provided, however, that unless a meeting of the General Assembly may intervene, the election thus ordered to fill such vacancy, shall be held on the day of the ensuing election for Delegates and Senators.

Sec. 14. The General Assembly shall meet on the first Wednesday of January, eighteen hundred and sixty-eight, and on the same day in every second year thereafter, and at no other time, unless convened by Proclamation of the Governor.

Sec. 15. The General Assembly may continue its session so long, as, in its judgment, the public interest may require, for a period not longer than ninety days; and each member thereof, shall receive a compensation of five dollars per diem, for every day he shall attend the session; but not for such days as he may be absent, unless absent on account of sickness, or by leave of the House of which he is a member; and he shall also receive such mileage as may be allowed by Law, not exceeding twenty cents per mile; and the presiding officer of each House shall receive an additional compensation of three dollars per day. When the General Assembly shall be convened by Proclamation of the Governor, the session shall not continue longer than thirty days; and in such case the compensation shall be the same as herein prescribed.

Sec. 16. No book, or other printed matter, not appertaining to the business of the session, shall be purchased, or subscribed for, for the use of the members of the General Assembly, or be distributed among them, at the public expense.

Sec. 17. No Senator or Delegate, after qualifying as such, notwithstanding he may thereafter resign, shall during the whole period of time for which he was elected, be eligible to any office, which shall have been created, or the salary or profits of which shall have been increased during such term.

Sec. 18. No Senator, or Delegate shall be liable in any civil action, or criminal prosecution whatever, for words spoken in debate.

Sec. 19. Each House shall be judge of the qualifications and elections of its members as prescribed by the Constitution and Laws of the State; shall appoint its own officers, determine the rules of its own proceedings, punish a member for disorderly or disrespectful behaviour, and with the consent of two-thirds of its whole number of members elected, expel a member; but no member shall be expelled a second time for the same offence.

Sec. 20. A majority of the whole number of members elected to each House shall constitute a quorum for the transaction of business ; but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner, and under such penalties, as each House may prescribe.

Sec. 21. The doors of each House, and of the Committee of the Whole, shall be open, except when the business is such as ought to be kept secret.

Sec. 22. Each House shall keep a Journal of its proceedings, and cause the same to be published. The yeas and nays of members on any question shall, at the call of any five of them in the House of Delegates, or one in the Senate, be entered on the Journal.

Sec. 23. Each House may punish by imprisonment, during the session of the General Assembly, any person, not a member, for disrespectful or disorderly behaviour in its presence, or for obstructing any of its proceedings, or any of its officers in the execution of their duties ; provided, such imprisonment shall not, at any one time, exceed ten days.

Sec. 24. The House of Delegates may inquire, on the oath of witnesses, into all complaints, grievances and offences, as the Grand Inquest of the State, and may commit any person, for any crime, to the public jail, there to remain until discharged by due course of Law. They may examine and pass all accounts of the State, relating either to the collection or expenditure of the Revenue, and appoint Auditors to state and adjust the same. They may call for all public, or official papers and records, and send for persons whom they may judge necessary, in the course of their inquiries, concerning affairs relating to the public interest, and may direct all office bonds which shall be made payable to the State, to be sued for any breach thereof ; and with the view to the more certain prevention, or correction of the abuses in the expenditures of the money of the State, the General Assembly shall create, at every Session thereof, a Joint Standing Committee of the Senate and House of Delegates, who shall have power to send for persons, and examine them on oath, and call for public or official papers and records, and whose duty shall be to examine and report upon all contracts made for printing, stationery, and purchases for the public offices and the Library, and all expenditures therein, and upon all matters of alleged abuse in expenditures, to which their attention may be called by Resolution of either House of the General Assembly.

Sec. 25. Neither House shall, without the consent of the other, adjourn for more than three days, at any one time, nor

adjourn to any other place, than that in which the House shall be sitting, without the concurrent vote of two-thirds of the members present.

Sec. 26. The House of Delegates shall have the sole power of impeachment in all cases ; but a majority of all the members elected must concur in the impeachment. All impeachments shall be tried by the Senate, and when sitting for that purpose, the Senators shall be on oath, or affirmation, to do justice according to the law and the evidence ; but no person shall be convicted without the concurrence of two-thirds of all the Senators elected.

Sec. 27. Any bill may originate in either House of the General Assembly, and be altered, amended or rejected by the other ; but no bill shall originate in either House during the last ten days of the session, unless two-thirds of the members elected thereto shall so determine by yeas and nays ; nor shall any bill become a Law, until it be read on three different days of the session in each House, unless two-thirds of the members elected to the House, where such bill is pending, shall so determine by yeas and nays ; and no bill shall be read a third time until it shall have been actually engrossed for a third reading.

Sec. 28. No bill shall become a Law unless it be passed in each House by a majority of the whole number of members elected, and on its final passage the yeas and nays be recorded ; nor shall any Resolution, requiring the action of both Houses, be passed except in the same manner.

Sec. 29. The style of all Laws of this State shall be, " Be it enacted by the General Assembly of Maryland," and all Laws shall be passed by original bill ; and every Law enacted by the General Assembly, shall embrace but one subject, and that shall be described in its title ; and no Law, nor section of a Law, shall be revived, or amended by reference to its title, or section only ; nor shall any Law be construed, by reason of its title, to grant powers, or confer rights which are not expressly contained in the body of the Act ; and it shall be the duty of the General Assembly, in amending any article or section of the Code of Laws of this State, to enact the same, as the said article or section would read when amended. And whenever the General Assembly shall enact any Public General Law, not amendatory of any Section or Article in the said Code, it shall be the duty of the General Assembly to enact the same, in articles and sections, in the same manner as the Code is arranged, and to provide for the publication of all additions and alterations which may be made to the said Code.

Sec. 30. Every bill, when passed by the General Assem-

bly, and sealed with the Great Seal, shall be presented to the Governor, who, if he approves it, shall sign the same in the presence of the presiding officers and chief clerks of the Senate and House of Delegates. Every Law shall be recorded in the office of the Court of Appeals, and in due time be printed, published, and certified under the Great Seal, to the several Courts, in the same manner as has been heretofore used in this State.

Sec. 31. No Law passed by the General Assembly shall take effect until the first day of June, next after the session at which it may be passed, unless it be otherwise expressly declared therein.

Sec. 32. No money shall be drawn from the Treasury of the State by any order or resolution, nor except in accordance with an appropriation by Law, and every such Law shall distinctly specify the sum appropriated, and the object to which it shall be applied; *provided*, that nothing herein contained shall prevent the General Assembly from placing a contingent fund at the disposal of the Executive, who shall report to the General Assembly, at each session, the amount expended, and the purposes to which it was applied. An accurate statement of the receipts and expenditures of the public money, shall be attached to, and published with the Laws, after each regular session of the General Assembly.

Sec. 33. The General Assembly shall not pass local or special Laws, in any of the following enumerated cases, viz.: For extending the time for the collection of taxes; granting divorces; changing the name of any person; providing for the sale of real estate, belonging to minors, or other persons laboring under legal disabilities, by executors, administrators, guardians or trustees; giving effect to informal, or invalid deeds or wills; refunding money paid into the State Treasury, or releasing persons from their debts or obligations to the State, unless recommended by the Governor, or officers of the Treasury Department. And the General Assembly shall pass no special Law for any case, for which provision has been made by an existing General Law. The General Assembly, at its first session after the adoption of this Constitution, shall pass General Laws, providing for the cases enumerated in this section, which are not already adequately provided for, and for all other cases, where a General Law can be made applicable.

Sec. 34. No debt shall be hereafter contracted by the General Assembly, unless such debt shall be authorized by a Law providing for the collection of an annual tax, or taxes, sufficient to pay the interest on such debt, as it falls due; and also, to discharge the principal thereof, within fifteen years from the time of contracting the same; and the taxes laid

for this purpose shall not be repealed, or applied to any other object, until the said debt, and interest thereon, shall be fully discharged. The credit of the State shall not in any manner be given, or loaned to, or in aid of any individual association or corporation, nor shall the General Assembly have the power, in any mode, to involve the State in the construction of Works of Internal Improvement, nor in granting any aid thereto, which shall involve the faith or credit of the State, nor make any appropriation therefor, except in aid of the construction of Works of Internal Improvement in the counties of St. Mary's, Charles and Calvert, which have had no direct advantage from such Works, as have been heretofore aided by the State; and provided, that such aid, advances, or appropriations, shall not exceed in the aggregate the sum of five hundred thousand dollars. And they shall not use, or appropriate the proceeds of the Internal Improvement Companies, or of the State tax now levied, or which may hereafter be levied, to pay off the public debt, to any other purpose, until the interest and debt are fully paid, or the sinking fund shall be equal to the amount of the outstanding debt; but the General Assembly may, without laying a tax, borrow an amount never to exceed fifty thousand dollars, to meet temporary deficiencies in the Treasury, and may contract debts to any amount that may be necessary for the defence of the State.

Sec. 35. No extra compensation shall be granted, or allowed by the General Assembly to any public officer, agent, servant or contractor, after the service shall have been rendered, or the contract entered into; nor shall the salary, or compensation of any public officer be increased, or diminished during his term of office.

Sec. 36. No lottery grant shall ever hereafter be authorized by the General Assembly.

Sec. 37. The General Assembly shall pass no Law providing for payment, by this State, for slaves emancipated from servitude in this State; but they shall adopt such measures as they may deem expedient, to obtain from the United States, compensation for such slaves, and to receive, and distribute the same, equitably, to the persons entitled.

Sec. 38. No person shall be imprisoned for debt.

Sec. 39. The General Assembly shall grant no Charter for Banking purposes, nor renew any Banking Corporation now in existence, except upon the condition that the stockholders shall be liable to the amount of their respective share, or shares of stock in such Banking Institution, for all its debts and liabilities, upon note, bill, or otherwise; the

books, papers and accounts of all Banks shall be open to inspection, under such regulations as may be prescribed by Law.

Sec. 40. The General Assembly shall enact no Law authorizing private property to be taken for public use, without just compensation, as agreed upon between the parties, or awarded by a jury, being first paid or tendered to the party entitled to such compensation.

Sec. 41. Any citizen of this State, who shall, after the adoption of this Constitution, either in, or out of this State, fight a duel with deadly weapons, or send, or accept a challenge so to do, or who shall act as a second, or knowingly aid or assist in any manner those offending, shall ever thereafter, be incapable of holding any office of profit or trust, under this State, unless relieved from the disability by an Act of the Legislature.

Sec. 42. The General Assembly shall pass Laws necessary for the preservation of the purity of elections.

Sec. 43. The property of the wife shall be protected from the debts of her husband.

Sec. 44. Laws shall be passed by the General Assembly, to protect from execution, a reasonable amount of the property of the debtor, not exceeding in value, the sum of five hundred dollars.

Sec. 45. The General Assembly shall provide a simple and uniform system of charges in the offices of Clerks of Courts, and Registers of Wills in the Counties of this State, and the City of Baltimore, and for the collection thereof, *provided*, the amount of compensation to any of the said officers in the various Counties, shall not exceed the sum of three thousand dollars a year, and in the City of Baltimore thirty-five hundred dollars a year, over and above office expenses, and compensation to Assistants; *and provided further*, that such compensation, of Clerks, Registers, Assistants and office expenses shall always be paid out of the fees, or receipts of the offices, respectively.

Sec. 46 The General Assembly shall have power to receive from the United States, any grant, or donation of land, money, or securities for any purpose designated by the United States, and shall administer, or distribute the same according to the conditions of the said grant.

Sec. 47. The General Assembly shall make provisions for all cases of contested elections of any of the officers, not herein provided for.

Sec. 48. Corporations may be formed under general Laws, but shall not be created by special act, except for municipal purposes, and except in cases, where no general Laws exist, providing for the creation of corporations of the same general character, as the corporation proposed to be created; and any Act of Incorporation, passed in violation of this Section shall be void. And as soon as practicable after the adoption of this Constitution, it shall be the duty of the Governor, to appoint three persons learned in Law, whose duty it shall be, to prepare drafts of general Laws, providing for the creation of Corporations, in such cases as may be proper, and for all other cases, where a general Law can be made; and for revising and amending, so far as may be necessary, or expedient, the general Laws which may be in existence on the first day of June, eighteen hundred and sixty-seven, providing for the creation of corporations, and for other purposes; and such drafts of Laws shall by said Commissioners be submitted to the General Assembly, at its first meeting, for its action thereon; and each of said Commissioners shall receive a compensation of five hundred dollars for his services, as such Commissioner.

All charters granted or adopted, in pursuance of this section, and all Charters heretofore granted and created, subject to repeal or modification, may be altered, from time to time, or be repealed; *provided*, nothing herein contained shall be construed to extend to Banks, or the incorporation thereof.

Sec. 49. The General Assembly shall have power to regulate, by Law, not inconsistent with this Constitution, all matters which relate to the Judges of election, time, place and manner of holding elections in this State, and of making returns thereof.

Sec. 50. It shall be the duty of the General Assembly at its first session held after the adoption of this Constitution, to provide by Law for the punishment, by fine or imprisonment, in the Penitentiary, or both, in the discretion of the Court, of any person who shall bribe, or attempt to bribe, any Executive or Judicial officer of the State of Maryland, or any member, or officer of the General Assembly of the State of Maryland, or of any Municipal corporation in the State of Maryland, or any Executive officer of such Corporation, in order to influence him in the performance of any of his official duties; and also to provide by Law for the punishment, by fine, or imprisonment in the Penitentiary, or both, in the discretion of the Court, of any of said officers, or members, who shall demand, or receive any bribe, fee, reward, or testimonial for the performance of his official duties, or for neglecting, or failing to perform the same; and also to provide by Law for compelling any person, so bribing, or attempting to bribe, or so demand-

ing, or receiving a bribe, fee, reward or testimonial, to testify against any person, or persons who may have committed any of said offences; *provided*, that any person, so compelled to testify, shall be exempted from trial and punishment for the offence, of which he may have been guilty; and any person, convicted of such offence, shall, as part of the punishment thereof, be forever disfranchised and disqualified from holding any office of trust, or profit, in this State.

Sec. 51. The personal property of residents of this State, shall be subject to taxation in the county, or city, where the resident *bona fide* resides for the greater part of the year, for which the tax may, or shall be levied, and not elsewhere, except goods and chattels permanently located, which shall be taxed in the City or County, where they are so located.

Sec. 52. The General Assembly shall appropriate no money out of the Treasury for payment of any private claim against the State exceeding three hundred dollars, unless said claim shall have been first presented to the Comptroller of the Treasury, together with the proofs upon which the same is founded, and reported upon by him.

Sec. 53. No person shall be incompetent, as a witness, on account of race or color, unless hereafter so declared by Act of the General Assembly.

Sec. 54. No County of this State shall contract any debt, or obligation, in the construction of any Railroad, Canal, or other Work of Internal Improvement, nor give, or loan its credit to, or in aid of any association, or corporation, unless authorized by an Act of the General Assembly, which shall be published for two months before the next election for members of the House of Delegates in the newspapers published in such County, and shall also be approved by a majority of all the members elected to each House of the General Assembly at its next session after said election.

Sec. 55. The General Assembly shall pass no Law suspending the privilege of the Writ of *Habeas Corpus*.

Sec. 56. The General Assembly shall have power to pass all such Laws as may be necessary and proper for carrying into execution, the powers vested by this Constitution in any Department, or Office of the Government, and the duties imposed upon them thereby.

Sec. 57. The legal Rate of Interest shall be *six per cent. per annum*, unless otherwise provided by the General Assembly.

Sec. 58. The Legislature, at its first session after the ratification of this Constitution, shall provide by Law, for State

and Municipal taxation upon the Revenues accruing from business done in the State by all foreign corporations.

Sec. 59. The office of State Pension Commissioner is hereby abolished ; and the Legislature shall pass no Law creating such office, or establishing any general pension system within this State.

ARTICLE IV.

JUDICIARY DEPARTMENT.

PART I—GENERAL PROVISIONS.

Section 1. The Judicial power of this State shall be vested in a Court of Appeals, Circuit Courts, Orphans' Courts, such Courts for the city of Baltimore as are hereinafter provided for, and Justices of the Peace ; all said Courts shall be Courts of Record, and each shall have a seal to be used in the authentication of all process issuing therefrom. The process and official character of Justices of the Peace shall be authenticated as hath heretofore been practiced in this State, or may hereafter be prescribed by Law.

Sec. 2. The Judges of all the said Courts shall be citizens of the State of Maryland, and qualified voters under this Constitution, and shall have resided therein not less than five years, and not less than six months next preceding their election or appointment in the Judicial Circuit, as the case may be, for which they may be, respectively, elected or appointed. They shall be not less than thirty years of age at the time of their election, or appointment, and shall be selected from those who have been admitted to practice Law in this State, and who are most distinguished for integrity, wisdom and sound legal knowledge.

Sec. 3. The Judges of the said several Courts shall be elected in the Counties by the qualified voters in their respective Judicial Circuits, as hereinafter provided, at the general election to be held on the Tuesday after the first Monday in November next, and in the city of Baltimore on the fourth Wednesday of October next. Each of the said Judges shall hold his office for the term of fifteen years from the time of his election, and until his successor is elected and qualified, or until he shall have attained the age of seventy years, which ever may first happen, and be re-eligible thereto until he shall have attained the age of seventy years, and not after ; but in case of any Judge, who shall attain the age of seventy years whilst in office, such Judge may be continued in office by the General Assembly for such further time as they may think fit, not to exceed the term for which he was elected, by a Resolution to be passed at the session

next preceding his attaining said age. In case of the inability of any of said Judges to discharge his duties with efficiency, by reason of continued sickness, or of physical or mental infirmity, it shall be in the power of the General Assembly, two-thirds of the members of each House concurring, with the approval of the Governor, to retire said Judge from office.

Sec. 4. Any Judge shall be removed from office by the Governor, on conviction in a Court of Law, of incompetency, of wilful neglect of duty, misbehaviour in office, or any other crime, or on impeachment, according to this Constitution, or the Laws of the State; or on the address of the General Assembly, two-thirds of each House concurring in such address, and the accused having been notified of the charges against him, and having had opportunity of making his defence.

Sec. 5. After the election for Judges, to be held as above mentioned, upon the expiration of the term, or in case of the death, resignation, removal, or other disqualification of any Judge, the Governor shall appoint a person duly qualified to fill said office, who shall hold the same until the next general election for members of the General Assembly, when a successor shall be elected, whose tenure of office shall be the same as hereinbefore provided, but if the vacancy shall occur in the city of Baltimore, the time of election shall be the fourth Wednesday in October following.

Sec. 6. All Judges shall, by virtue of their offices, be Conservators of the peace throughout the State; and no fees, or perquisites, commission, or reward of any kind, shall be allowed to any Judge in this State, besides his annual salary, for the discharge of any Judicial duty.

Sec. 7. No Judge shall sit in any case wherein he may be interested, or where either of the parties may be connected with him, by affinity or consanguinity, within such degrees as now are, or may hereafter be prescribed by Law, or where he shall have been of counsel in the case.

Sec. 8. The parties to any cause may submit the same to the Court for determination, without the aid of a Jury; and the Judge, or Judges of any Court of this State, except the Court of Appeals, shall order and direct the record of proceedings in any suit, or action, issue or petition, presentment, or indictment, pending in such Court, to be transmitted to some other Court, (and of a different circuit, if the party applying shall so elect,) having jurisdiction in such cases, whenever any party to such cause, or the counsel of any party, shall make a suggestion in writing, supported by the affidavit of such party, or his counsel, or other proper evidence, that

the party cannot have a fair or impartial trial in the Court, in which such suit, or action, issue, or petition, presentment, or indictment is pending, or when the Judges of said Court shall be disqualified, under the provisions of this Constitution, to sit in any such suit, action, issue, or petition, presentment or indictment; and the General Assembly shall make such modifications of existing Law as may be necessary to regulate and give force to this provision.

Sec. 9. The Judge, or Judges of any Court may appoint such officers for their respective Courts as may be found necessary, and such officers of the Courts in the city of Baltimore shall be appointed by the Judges of the Supreme Bench of Baltimore city. It shall be the duty of the General Assembly to prescribe by Law a fixed compensation for all such officers; and said Judge or Judges, shall, from time to time, investigate the expenses, costs and charges of their respective Courts, with a view to a change, or reduction thereof, and report the result of such investigation to the General Assembly for its action.

Sec. 10. The Clerks of the several Courts created, or continued by this Constitution, shall have charge and custody of the Records and other Papers, shall perform all the duties, and be allowed the fees, which appertain to their several offices, as the same now are, or may hereafter be regulated by Law. And the office and business of said Clerks, in all their departments, shall be subject to the visitorial power of the Judges of their respective Courts, who shall exercise the same from time to time, so as to insure the faithful performance of the duties of said officers; and it shall be the duty of the Judges of said Courts, respectively, to make, from time to time, such rules and regulations as may be necessary and proper for the government of said Clerks, and for the performance of the duties of their offices, which shall have the force of Law until repealed, or modified by the General Assembly.

Sec. 11. The election for Judges, hereinbefore provided, and all elections for Clerks, Registers of Wills, and other officers, provided in this Constitution, except State's Attorneys, shall be certified, and the returns made, by the Clerks of the Circuit Courts of the Counties, and the Clerk of the Superior Court of Baltimore City, respectively, to the Governor, who shall issue commissions to the different persons for the offices for which they shall have been respectively elected; and in all such elections, the persons having the greatest number of votes, shall be declared to be elected.

Sec. 12. If in any case of election for Judges, Clerks of the Courts of Law, and Registers of Wills, the opposing candidates shall have an equal number of votes, it shall be the duty of the Governor to order a new election; and in case of any

contested election, the Governor shall send the returns to the House of Delegates, which shall judge of the election and qualification of the candidates at such election; and if the judgment shall be against the one who has been returned elected, or the one who has been commissioned by the Governor, the House of Delegates shall order a new election within thirty days.

Sec. 13. All Public Commissions and Grants shall run thus: "The State of Maryland, &c.," and shall be signed by the Governor, with the seal of the State annexed; all writs and process shall run in the same style, and be tested, sealed and signed, as heretofore, or as may hereafter be provided by Law; and all indictments shall conclude, "against the peace, government and dignity of the State."

PART II—COURT OF APPEALS

Sec. 14. The Court of Appeals shall be composed of the Chief Judges of the first seven of the several Judicial Circuits of the State, and a Judge from the City of Baltimore, specially elected thereto, one of whom shall be designated by the Governor, by and with the advice and consent of the Senate, as the Chief Judge. And in all cases, until action by the Senate can be had, the Judge so designated by the Governor, shall act as Chief Judge. The Judge of the Court of Appeals from the City of Baltimore shall be elected by the qualified voters of said city, at the election of Judges to be held therein as hereinbefore provided, and in addition to his duties, as Judge of the Court of Appeals, shall perform such other duties as the General Assembly shall prescribe. The jurisdiction of said Court of Appeals shall be co-extensive with the limits of the State, and such as now is, or may hereafter be prescribed by Law. It shall hold its sessions in the city of Annapolis, on the first Monday in April, and the first Monday in October, of each and every year, or at such other times as the General Assembly may by Law direct. Its sessions shall continue not less than ten months in the year, if the business before it shall so require; and it shall be competent for the Judges temporarily to transfer their sittings elsewhere, upon sufficient cause.

Sec. 15. Four of said Judges shall constitute a quorum; no cause shall be decided without the concurrence of at least three; but the Judge who heard the cause below, shall not participate in the decision; in every case an opinion, in writing shall be filed within three months after the argument or submission of the cause; and the judgment of the Court shall be final and conclusive; and all cases shall stand for hearing at the first term after the transmission of the Record.

Sec. 16. Provision shall be made by Law for publishing

Reports of all causes argued and determined in the Court of Appeals, which the Judges shall designate as proper for publication.

Sec. 17. There shall be a Clerk of the Court of Appeals, who shall be elected by the legal and qualified voters of the State, who shall hold his office for six years, and until his successor is duly qualified ; he shall be subject to removal by the said Court for incompetency, neglect of duty, misdemeanor in office, or such other cause, or causes, as may be prescribed by Law ; and in case of a vacancy in the office of said Clerk, the Court of Appeals shall appoint a Clerk of said Court, who shall hold his office until the election and qualification of his successor, who shall be elected at the next general election for members of the General Assembly ; and the person so elected shall hold his office for the term of six years from the time of election.

Sec. 18. It shall be the duty of the Judges of the Court of Appeals, as soon after their election, under this Constitution, as practicable, to make and publish rules and regulations for the prosecution of appeals to said Appellate Court, whereby they shall prescribe the periods, within which appeals may be taken, what part or parts of the proceedings in the Court below shall constitute the Record on Appeal, and the manner in which such Appeals shall be brought to hearing, or determination, and shall regulate generally the practice of said Court of Appeals, so as to prevent delays and promote brevity in all Records and Proceedings brought into said Court, and to abolish and avoid all unnecessary costs and expenses in the prosecution of Appeals therein ; and the said Judges shall make such reductions in the fees and expenses of the said Court, as they may deem advisable. It shall also be the duty of said Judges of the Court of Appeals, as soon after their election as practicable, to devise, and promulgate by rules or orders, forms and modes of framing and filing Bills, Answers and other Proceedings and Pleadings in Equity ; and also forms and modes of taking and obtaining evidence, to be used in Equity cases ; and to revise and regulate generally the practice in the Courts of Equity, of this State, so as to prevent delays, and to promote brevity and conciseness in all Pleadings and Proceedings therein, and to abolish all unnecessary costs and expenses attending the same. And all rules and regulations hereby directed to be made, shall, when made, have the force of Law, until rescinded, changed, or modified by the said Judges, or the General Assembly.

PART III—CIRCUIT COURTS.

Sec. 19. The State shall be divided into eight Judicial Circuits, in manner following, viz: The Counties of Wor-

cester, Somerset and Dorchester, shall constitute the First Circuit; the Counties of Caroline, Talbot, Queen Anne's, Kent and Cecil, the Second; the Counties of Baltimore and Harford the Third; the Counties of Allegany and Washington, the Fourth; the Counties of Carroll, Howard and Anne Arundel, the Fifth; the Counties of Montgomery and Frederick, the Sixth; the Counties of Prince George's, Charles, Calvert and St. Mary's, the Seventh; and Baltimore City, the Eighth.

Sec. 20. A Court shall be held in each County of the State, to be styled the Circuit Court for the County in which it may be held. The said Circuit Courts shall have and exercise, in the respective Counties, all the power, authority and jurisdiction, original and appellate, which the present Circuit Courts of this State now have and exercise, or which may hereafter be prescribed by Law.

Sec. 21. For each of the said Circuits (excepting the Eighth,) there shall be a Chief Judge, and two Associate Judges, to be styled Judges of the Circuit Court, to be elected, or appointed as herein provided. And no two of said Associate Judges shall, at the time of their election, or appointment, or during the term for which they may have been elected, or appointed, reside in the same County. If two or more persons shall be candidates for Associate Judge, in the same County, that one only in said County shall be declared elected, who has the highest number of votes in the Circuit. In case any two candidates for Associate Judge, residing in the same County, shall have an equal number of votes, greater than any other candidate for Associate Judge, in the Circuit, it shall be the duty of the Governor to order a new election for one Associate Judge; but the person, residing in any other County of the Circuit, and who has the next highest number of votes shall be declared elected. The said Judges shall hold not less than two Terms of the Circuit Court in each of the Counties, composing their respective Circuits, at such times as are now, or may hereafter be prescribed, to which Jurors shall be summoned; and in those Counties, where only two such Terms are held, two other and intermediate Terms, to which Jurors shall not be summoned; they may alter, or fix the times for holding any, or all Terms until otherwise prescribed, and shall adopt Rules to the end that all business not requiring the interposition of a Jury shall be, as far as practicable, disposed of at said intermediate Terms. One Judge, in each of the above Circuits, shall constitute a quorum for the transaction of any business; and the said Judges, or any of them, may hold Special Terms of their Courts, whenever, in their discretion, the business of the several Counties renders such Terms necessary.

Sec. 22. Where any Term is held, or trial conducted by less than the whole number of said Circuit Judges, upon the decision, or determination of any point, or question, by the Court, it shall be competent to the party, against whom the ruling, or decision is made, upon motion, to have the point, or question reserved for the consideration of the three Judges of the Circuit, who shall constitute a Court in *banc* for such purpose; and the motion for such reservation shall be entered of record during the sitting at which such decision may be made; and the several Circuit Courts shall regulate, by Rules, the mode and manner of presenting such points, or questions to the Court in *banc*, and the decision of the said Court in *banc* shall be the effective decision in the premises, and conclusive, as against the party, at whose motion said points, or questions were reserved; but such decision in *banc* shall not preclude the right of Appeal, or Writ of Error to the adverse party, in those cases, civil or criminal, in which Appeal, or Writ of Error to the Court of Appeals may be allowed by Law. The right of having questions reserved, shall not, however, apply to trials of Appeals from judgments of Justices of the Peace, nor to criminal cases below the grade of felony, except when the punishment is confinement in the Penitentiary; and this Section shall be subject to such provisions as may hereafter be made by Law.

Sec. 23. The Judges of the respective Circuit Courts of this State, and of the Courts of Baltimore City, shall render their decisions, in all cases, argued before them, or submitted for their judgment, within two months after the same shall have been so argued or submitted.

Sec. 24. The salary of each Chief Judge, and of the Judge of the Court of Appeals from the City of Baltimore, shall be three thousand five hundred dollars, and of each Associate Judge of the Circuit Court, shall be two thousand eight hundred dollars per annum, payable quarterly, and shall not be diminished during his continuance in office.

Sec. 25. There shall be a Clerk of the Circuit Court for each County, who shall be elected by a plurality of the qualified voters of said County, and shall hold his office for six years from the time of his election, and until his successor is elected and qualified, and be re-eligible, subject to be removed for wilful neglect of duty, or other misdemeanor in office, on conviction in a Court of Law. In case of a vacancy in the office of Clerk of a Circuit Court, the Judges of said Court shall have power to fill such vacancy until the general election of Delegates to the General Assembly, to be held next thereafter, when a successor shall be elected for the term of six years.

Sec. 26. The said Clerks shall appoint, subject to the con-

firmation of the Judges of their respective Courts, as many deputies under them, as the said Judges shall deem necessary, to perform, together with themselves, the duties of the said office, who shall be removable by the said Judges for incompetency, or neglect of duty, and whose compensation shall be according to existing, or future provisions of the General Assembly.

PART IV—COURTS OF BALTIMORE CITY.

Sec. 27. There shall be in the Eighth Judicial Circuit, six Courts, to be styled the Supreme Bench of Baltimore City, the Superior Court of Baltimore City, the Court of Common Pleas, the Baltimore City Court, the Circuit Court of Baltimore City, and Criminal Court of Baltimore.

Sec. 28. The Superior Court of Baltimore City, the Court of Common Pleas, and the Baltimore City Court, shall each have concurrent jurisdiction in all civil common Law cases, and, concurrently, all the jurisdiction which the Superior Court of Baltimore City and the Court of Common Pleas now have, except jurisdiction in Equity, and except in applications for the benefit of the Insolvent Laws of Maryland, and in cases of Appeal from judgments of Justices of the Peace in said City, whether civil or criminal, or arising under the Ordinances of the Mayor and City Council of Baltimore, of all of which Appeal cases, the Baltimore City Court shall have exclusive jurisdiction; and the said Court of Common Pleas shall have exclusive jurisdiction in all applications for the benefit of the Insolvent Laws of Maryland, and the supervision and control of the Trustees thereof.

Sec. 29. The Circuit Court of Baltimore City shall have exclusive jurisdiction in Equity within the limits of said City, and all such jurisdiction as the present Circuit Court of Baltimore City has; provided, the said Court shall not have jurisdiction in applications for the writ of *habeas corpus* in cases of persons charged with criminal offences.

Sec. 30. The Criminal Court of Baltimore shall have and exercise all the jurisdiction now held and exercised by the Criminal Court of Baltimore, except in such Appeal cases as are herein assigned to the Baltimore City Court.

Sec. 31. There shall be elected by the legal and qualified voters of said City, at the election, hereinbefore provided for, one Chief Judge and four Associate Judges, who, together, shall constitute the Supreme Bench of Baltimore City, and shall hold their offices for the term of fifteen years, subject to the provisions of this Constitution with regard to the election and qualifications of Judges, and their removal from office, and shall exercise the jurisdiction, hereinafter specified, and shall each receive an annual salary of three thousand

five hundred dollars, payable quarterly, which shall not be diminished during their term of office ; but authority is hereby given to the Mayor and City Council of Baltimore to pay to each of the said Judges an annual addition of five hundred dollars to their respective salaries ; provided, that the same, being once granted, shall not be diminished, nor increased during the continuance of said Judges in office.

Sec. 32. It shall be the duty of the said Supreme Bench of Baltimore City, as soon as the Judges thereof shall be elected and duly qualified, and, from time to time, to provide for the holding of each of the aforesaid Courts, by the assignment of one or more of their number to each of the said Courts, who may sit either, separately or together, in the trial of cases ; and the said Supreme Bench of Baltimore City may, from time to time, change the said assignment, as circumstances may require, and the public interests may demand, and the Judge, or Judges, so assigned to the several Courts, shall, when holding the same, have all the powers and exercise all the jurisdiction, which may belong to the Court so being held ; and it shall also be the duty of the said Supreme Bench of Baltimore City, in case of the sickness, absence, or disability of any Judge, or Judges, assigned as aforesaid, to provide for the hearing of the cases, or transaction of the business assigned to said Judge, or Judges, as aforesaid, before some one or more of the Judges of said Court.

Sec. 33. The said Supreme Bench of Baltimore City shall have power, and it shall be its duty, to provide for the holding of as many general Terms as the performance of its duties may require, such general Terms to be held by not less than three Judges ; to make all needful Rules and Regulations for the conduct of business in each of the said Courts, during the session thereof, and in vacation, or in Chambers, before any of said Judges ; and shall also have jurisdiction to hear and determine all motions for a new trial in cases tried in any of said Courts, where such motions arise either on questions of fact, or for misdirection upon any matters of Law, and all motions in arrest of judgment, or upon any matters of Law determined by the said Judge, or Judges, while holding said several Courts ; and the said Supreme Bench of Baltimore City shall make all needful Rules and Regulations for the hearing before it of all of said matters ; and the same right of appeal to the Court of Appeals shall be allowed from the determination of the said Court on such matters, as would have been the right of the parties if said matters had been decided by the Court, in which said cases were tried.

Sec. 34. No appeal shall lie to the Supreme Bench of Baltimore City from the decision of the Judge, or Judges, holding the Baltimore City Court, in case of appeal from a Justice

of the Peace ; but the decision by said Judge, or Judges, shall be final ; and all Writs and other Process issued out of either of said Courts requiring attestation, shall be attested in the name of the Chief Judge of the said Supreme Bench of Baltimore City.

Sec. 35. Three of the Judges of said Supreme Bench of Baltimore City, shall constitute a quorum of said Court.

Sec. 36. All causes depending, at the adoption of this Constitution, in the Superior Court of Baltimore City, the Court of Common Pleas, the Criminal Court of Baltimore, and the Circuit Court of Baltimore City, shall be proceeded in, and prosecuted to final judgment, or decree, in the Courts, respectively, of the same name established by this Constitution, except cases belonging to that class, jurisdiction over which is by this Constitution transferred to the Baltimore City Court, all of which shall, together with all cases now pending in the City Court of Baltimore be proceeded in, and prosecuted to final judgment in said Baltimore City Court.

Sec. 37. There shall be a Clerk of each of the said Courts of Baltimore City, except the Supreme Bench, who shall be elected by the legal and qualified voters of said City, at the election to be held in said City on the Tuesday next after the first Monday of November, in the year eighteen hundred and sixty-seven, and shall hold his office for six years from the time of his election, and until his successor is elected and qualified, and be re-eligible thereto, subject to be removed for wilful neglect of duty, or other misdemeanor in office, on conviction in a Court of Law. The salary of each of the said Clerks shall be thirty-five hundred dollars a year, payable only out of the fees and receipts collected by the Clerks of said City, and they shall be entitled to no other perquisites or compensation. In case of a vacancy in the office of Clerk of any of said Courts, the Judges of said Supreme Bench of Baltimore City shall have power to fill such vacancy, until the general election of Delegates to the General Assembly, to be held next thereafter, when a Clerk of said Court shall be elected to serve for six years thereafter ; and the provisions of this Article in relation to the appointment of Deputies by the Clerks of the Circuit Courts in the Counties shall apply to the Clerks of the Courts in Baltimore City.

Sec. 38. The Clerk of the Court of Common Pleas shall have authority to issue within said City, all marriage and other licenses required by Law, subject to such provisions as are now, or may be prescribed by Law. The Clerk of the Superior Court of said City, shall receive and record all Deeds, Conveyances, and other Papers, which are, or may be required by Law, to be recorded in said City. He shall also have custody of all Papers connected with the Proceed-

ings on the Law or Equity side of Baltimore County Court, and of the Dockets thereof, so far as the same have relation to the City of Baltimore ; and shall also discharge the duties of Clerk to the Supreme Bench of Baltimore City, unless otherwise provided by Law.

Sec. 39. The General Assembly shall, whenever it may think the same proper and expedient, provide by Law another Court for the City of Baltimore, and prescribe its jurisdiction and powers ; in which case there shall be elected by the voters of said City, qualified under this Constitution, another Judge of the Supreme Bench of Baltimore City, who shall be subject to the same Constitutional provisions, hold his office for the same term of years, receive the same compensation, and have the same powers as are herein provided for the Judges of said Supreme Bench of Baltimore City ; and all of the provisions of this Constitution relating to the assignment of Judges to the Courts, now existing in said City, and for the dispatch of business therein, shall apply to the Court, for whose creation provision is made by this Section. And the General Assembly may reapportion, change or enlarge the jurisdiction of the several Courts in Baltimore City. Until otherwise provided by Law, the Clerk of the Superior Court of Baltimore City, of the Court of Common Pleas, of the Circuit Court of Baltimore City, of the Baltimore City Court, and of the Criminal Court of Baltimore, shall each give Bond in such penalty as is now prescribed by Law, to be given by the Clerks of the Courts bearing the same names under the present Constitution.

PART V.

ORPHANS' COURTS.

Sec. 40. The qualified voters of the City of Baltimore, and of the several Counties, shall, on the Tuesday next after the first Monday in November next, and on the same day in every fourth year thereafter, elect three men to be Judges of the Orphans' Courts of said City and Counties, respectively, who shall be citizens of the State, and residents for the twelve months preceding, in the City, or County, for which they may be elected. They shall have all the powers now vested in the Orphans' Courts of the State, subject to such changes as the Legislature may prescribe. Each of said Judges shall be paid a per diem for the time they are actually in session, to be regulated by Law, and to be paid by the said City, or Counties, respectively. In case of a vacancy in the office of Judge of the Orphans' Court, the Governor shall appoint, subject to confirmation or rejection by the Senate, some suitable person to fill the same for the residue of the term.

Sec. 41. There shall be a Register of Wills in each County of the State, and the City of Baltimore, to be elected by the legal and qualified voters of said Counties and City, respectively, who shall hold his office for six years from the time of his election, and until his successor is elected and qualified; he shall be re-eligible, and subject at all times to removal for wilful neglect of duty, or misdemeanor in office in the same manner that the Clerks of the Courts are removable. In the event of any vacancy in the office of Register of Wills, said vacancy shall be filled by the Judges of the Orphans' Court in which such vacancy occurs, until the next general election for Delegates to the General Assembly, when a Register shall be elected to serve for six years thereafter.

PART VI.

JUSTICES OF THE PEACE.

Sec. 42. The Governor, by and with the advice and consent of the Senate, shall appoint such number of Justices of the Peace, and the County Commissioners of the several Counties, and the Mayor and City Council of Baltimore, respectively, shall appoint such number of Constables, for the several Election Districts of the Counties, and Wards of the City of Baltimore, as are now, or may hereafter be prescribed by Law; and Justices of the Peace and Constables, so appointed, shall be subject to removal by the Judge, or Judges, having criminal jurisdiction in the County, or City, for incompetency, wilful neglect of duty, or misdemeanor in office, on conviction in a Court of Law. The Justices of the Peace and Constables, so appointed, and commissioned, shall be Conservators of the Peace, shall hold their office for two years, and shall have such jurisdiction, duties and compensation, subject to such right of appeal, in all cases, from the judgment of Justices of the Peace, as hath been heretofore exercised, or shall be hereafter prescribed by Law.

Sec. 43. In the event of a vacancy in the office of a Justice of the Peace, the Governor shall appoint a person to serve as Justice of the Peace, for the residue of the term; and in case of a vacancy in the office of Constable, the County Commissioners of the County in which the vacancy occurs, or the Mayor and City Council of Baltimore, as the case may be, shall appoint a person to serve as Constable for the residue of the term.

PART VII.

SHERIFFS.

Sec. 44. There shall be elected in each County, and in the City of Baltimore, in every second year, one person, resident

in said County, or City, above the age of twenty-five years, and at least five years preceding his election, a citizen of this State, to the office of Sheriff. He shall hold his office for two years, and until his successor is duly elected and qualified; shall be ineligible for two years thereafter; shall give such bond, exercise such powers, and perform such duties as now are, or may hereafter be fixed by Law. In case of a vacancy by death, resignation, refusal to serve, or neglect to qualify, or give bond, or by disqualification, or removal from the County, or City, the Governor shall appoint a person to be Sheriff for the remainder of the official term.

Sec. 45. Coroners, Elisors and Notaries Public may be appointed for each County, and the City of Baltimore, in the manner, for the purpose, and with the powers now fixed, or which may hereafter be prescribed by Law.

ARTICLE V.

ATTORNEY-GENERAL AND STATE'S ATTORNEYS.

Section 1. There shall be an Attorney-General elected by the qualified voters of the State, on general ticket, on the Tuesday next after the first Monday in the month of November, 1867, and on the same day in every fourth year thereafter, who shall hold his office for four years from the time of his election and qualification, and until his successor is elected and qualified, and shall be re-eligible thereto, and shall be subject to removal for incompetency, wilful neglect of duty, or misdemeanor in office, on conviction in a Court of Law.

Sec. 2. All elections for Attorney-General shall be certified to, and returns made thereof by the Clerks of the Circuit Courts of the several Counties, and the Clerk of the Superior Court of Baltimore City, to the Governor of the State, whose duty it shall be to decide on the election and qualification of the person returned; and in case of a tie between two or more persons, to designate which of said persons shall qualify as Attorney-General, and to admister the oath of office to the person elected.

Sec. 3. It shall be the duty of the Attorney-General to prosecute and defend, on the part of the State, all cases, which, at the time of his appointment and qualification, and which thereafter may be depending in the Court of Appeals, or in the Supreme Court of the United States, by or against the State, or wherein the State may be interested; and he shall give his opinion in writing, whenever required by the General Assembly, or either Branch thereof, the Governor, the Comptroller, the Treasurer, or any State's Attorney, on any legal matter, or subject depending before them, or either of them, and when required by the Governor, or the General Assembly, he shall aid any State's Attorney in prosecuting

any suit, or action brought by the State in any Court of this State; and he shall commence and prosecute, or defend, any suit or action in any of said Courts, on the part of the State, which the General Assembly or the Governor, acting according to Law, shall direct to be commenced, prosecuted or defended; and he shall receive for his services an annual salary of three thousand dollars; but he shall not be entitled to receive any fees, perquisites, or rewards, whatever, in addition to the salary aforesaid, for the performance of any official duty, nor have power to appoint any agent, representative or deputy, under any circumstances, whatever; nor shall the Governor employ any additional counsel in any case, whatever, unless authorized by the General Assembly.

Sec. 4. No person shall be eligible to the office of Attorney-General, who is not a citizen of this State and a qualified voter therein, and has not resided and practiced Law in this State for at least ten years.

Sec. 5. In case of vacancy in the office of Attorney-General occasioned by death, resignation, removal from the State, or from office, or other disqualification, the said vacancy shall be filled by the Governor for the residue of the term thus made vacant.

Sec. 6. It shall be the duty of the Clerk of the Court of Appeals, and of the Commissioner of the Land Office, respectively, whenever a case shall be brought into said Court, or office, in which the State is a party, or has interest, immediately to notify the Attorney-General thereof.

THE STATE'S ATTORNEYS.

Sec. 7. There shall be an Attorney for the State in each County and the City of Baltimore, to be styled "The State's Attorney," who shall be elected by the voters thereof, respectively, on the Tuesday next after the first Monday of November, in the year eighteen hundred and sixty-seven, and on the same day every fourth year thereafter; and shall hold his office for four years from the first Monday in January next ensuing his election, and until his successor shall be elected and qualified; and shall be re-eligible thereto, and be subject to removal therefrom, for incompetency, wilful neglect of duty, or misdemeanor in office, on conviction in a Court of Law, or by a vote of two-thirds of the Senate on the recommendation of the Attorney-General.

Sec. 8. All elections for the State's Attorney shall be certified to, and returns made thereof, by the Clerks of the said Counties and City, to the Judges thereof having criminal jurisdiction, respectively, whose duty it shall be to decide upon the elections and qualification of the persons returned; and in

case of a tie between two or more persons, to designate which of said persons shall qualify as State's Attorney, and to administer the oaths of office to the person elected.

Sec. 9. The State's Attorney shall perform such duties and receive such fees and commissions as are now, or may hereafter be prescribed by Law ; and if any State's Attorney shall receive any other fee, or reward, than such as is, or may be allowed by Law, he shall, on conviction thereof, be removed from office ; *provided*, that the State's Attorney for Baltimore City shall have power to appoint one deputy, at a salary of not more than fifteen hundred dollars per annum, to be paid by the State's Attorney out of the fees of his office, as has heretofore been practiced.

Sec. 10. No person shall be eligible to the office of State's Attorney, who has not been admitted to practice Law in this State ; and who has not resided, for at least two years in the county, or city, in which he may be elected.

Sec. 11. In case of vacancy in the office of State's Attorney, or of his removal from the county, or city, in which he shall have been elected, or on his conviction, as herein specified, the said vacancy shall be filled by the Judge of the county, or city, respectively, having criminal jurisdiction, in which said vacancy shall occur, for the residue of the term thus made vacant.

Sec. 12. The State's Attorney, in each County, and the City of Baltimore, shall have authority to collect, and give receipt in the name of the State, for such sums of money as may be collected by him, and forthwith make return of, and pay over the same, to the proper accounting officer ; and the State's Attorney of each County, and the City of Baltimore, before he shall enter on the discharge of his duties, shall execute a bond to the State of Maryland for the faithful performance of his duties, in the penalty of ten thousand dollars, with two or more sureties, to be approved by the Judge of the Court having criminal jurisdiction in said Counties, or city.

ARTICLE VI.

TREASURY DEPARTMENT.

Section 1. There shall be a Treasury Department, consisting of a Comptroller, chosen by the qualified electors of the State, at each regular election of members of the House of Delegates, who shall receive an Annual Salary of Two Thousand Five Hundred Dollars ; and a Treasurer, to be appointed by the two Houses of the Legislature, at each regular Session thereof, on joint ballot ; who shall receive an Annual Salary of Two Thousand Five Hundred Dollars ; and the term of office of the said Comptroller and Treasurer shall be for two years, and until their successors shall qualify, and

neither of the said Officers shall be allowed, or receive any fees, commissions, or perquisites of any kind, in addition to his Salary for the performance of any duty, or services, whatsoever. In case of a vacancy in either of the offices, by death, or otherwise, the Governor, by and with the advice and consent of the Senate, shall fill such vacancy, by appointment, to continue until another election, or a choice by the Legislature, as the case may be, and until the qualification of the successor. The Comptroller and the Treasurer shall keep their offices at the Seat of Government, and shall take such oath, and enter into such Bonds for the faithful discharge of their duties as are now, or may hereafter be prescribed by Law.

Sec. 2. The Comptroller shall have the general superintendence of the fiscal affairs of the State; he shall digest and prepare plans for the improvement and management of the Revenue, and for the support of the Public Credit; prepare and report estimates of the Revenue and Expenditures of the State; superintend and enforce the prompt collection of all Taxes and Revenues; adjust and settle on terms, prescribed by Law, with delinquent Collectors and Receivers of Taxes and State Revenue; preserve all Public Accounts; decide on the forms of Keeping and Stating Accounts; grant under regulations, prescribed by Law, all Warrants for money to be paid out of the Treasury, in pursuance of appropriations by Law; and countersign all Checks drawn by the Treasurer upon any Bank or Banks, in which the moneys of the State may, from time to time, be deposited; prescribe the formalities of the transfer of Stock, or other evidence of the State Debt, and countersign the same, without which, such evidences shall not be valid; he shall make to the General Assembly full Reports of all the proceedings, and of the state of the Treasury Department, within ten days after the commencement of each Session; and perform such other duties as shall be prescribed by Law

Sec. 3. The Treasurer shall receive the moneys of the State, and until otherwise prescribed by Law, deposit them as soon as received, to the credit of the State, in such Bank or Banks, as he may from time to time with the approval of the Governor, select; the said Bank, or Banks giving security, satisfactory to the Governor, for the safe keeping and forthcoming, when required, of said Deposits, and shall disburse the same for the purpose of the State, according to Law, upon Warrants drawn by the Comptroller, and on Checks countersigned by him, and not otherwise; he shall take receipts for all moneys paid by him; and receipts for moneys received by him shall be endorsed upon Warrants, signed by the Comptroller; without which Warrants, so signed, no acknowledgment of money received into the Treasury shall be valid; and upon

Warrants, issued by the Comptroller, he shall make arrangements for the payment of the interest of the Public Debt; and for the purchase thereof, on account of the Sinking Fund. Every Bond, Certificate, or other Evidence of the Debt of the State, shall be signed by the Treasurer, and countersigned by the Comptroller; and no Certificate, or other Evidence intended to replace another, shall be issued until the old one shall be delivered to the Treasurer, and authority executed in due form for the transfer of the same filed in his office; and the transfer accordingly made on the Books thereof, and the Certificates or other Evidence cancelled; but the Legislature may make provisions for the loss of Certificates or other Evidences of the Debt, and may prescribe by Law the manner in which the Treasurer shall receive and keep the moneys of the State.

Sec. 4. The Treasurer shall render his Accounts, quarterly, to the Comptroller; and shall publish monthly in such newspapers as the Governor may direct, an abstract thereof, showing the amount of cash on hand, and the place or places of deposit thereof; and on the third day of each regular Session of the Legislature, he shall submit to the Senate and House of Delegates, fair and accurate copies of all Accounts by him, from time to time, rendered and settled with the Comptroller. He shall at all times submit to the Comptroller the inspection of the money in his hands, and perform all other duties that shall be prescribed by Law.

Sec. 5. The Comptroller shall qualify and enter on the duties of his office on the Third Monday of January next succeeding the time of his election, or as soon thereafter as practicable; and the Treasurer, shall qualify within one month after his appointment by the Legislature.

Sec. 6. Whenever, during the recess of the Legislature, charges shall be preferred to the Governor against the Comptroller or Treasurer for incompetency, malfeasance in office, wilful neglect of duty, or misappropriation of the funds of the State, it shall be the duty of the Governor to forthwith notify the party so charged, and fix a day for a hearing of said charges; and, if from the evidence, taken under oath, on said hearing before the Governor, the said allegations shall be sustained, it shall be the duty of the Governor to remove said offending officer, and to appoint another in his place, who shall hold his office for the unexpired term of the officer so removed.

ARTICLE VII. SUNDRY OFFICERS.

Section 1. County Commissioners shall be elected on general ticket of each county, by the qualified voters of the

several Counties of this State, on the Tuesday next after the first Monday in the month of November, eighteen hundred and sixty-seven, and on the same day in every second year thereafter. Their number in each County, their compensation, powers and duties, shall be such as are now or may be hereafter prescribed by Law.

Sec. 2. The qualified voters of each County, and of the City of Baltimore, shall, on the Tuesday next after the first Monday in the month of November, in the year eighteen hundred and sixty-seven, and on the same day in every second year thereafter, elect a Surveyor for each County and the City of Baltimore, respectively, whose term of office, shall commence on the first Monday of January next ensuing their election; and whose duties and compensation shall be the same as are now, or may hereafter be prescribed by Law. And any vacancy in the office of Surveyor shall be filled by the Commissioners of the Counties, or by the Mayor and City Council of Baltimore, respectively, for the residue of the term.

Sec. 3. The State Librarian shall be appointed by the Governor, by and with the advice and consent of the Senate, and shall hold his office during the term of the Governor by whom he shall have been appointed, and until his successor shall be appointed and qualified. His salary shall be fifteen hundred dollars a year; and he shall perform such duties as are now, or may hereafter be prescribed by Law; and no appropriation shall be made by Law to pay for any Clerk, or assistant to the Librarian; and it shall be the duty of the Legislature, at its first session after the adoption of this Constitution, pass a Law regulating the mode and manner in which the books in the Library shall be kept and accounted for by the Librarian, and requiring the Librarian to give a bond, in such penalty as the Legislature may prescribe, for the proper discharge of his duties.

Sec. 4. There shall be a Commissioner of the Land Office, who shall be appointed by the Governor, by and with the advice of and consent of the Senate, who shall hold his office during the term of the Governor by whom he shall have been appointed, and until his successor shall be appointed and qualified. He shall perform such duties as are now required of the Commissioner of the Land Office, or such as may hereafter be prescribed by Law, and shall also be the Keeper of the Chancery Records. He shall receive the salary of one thousand five hundred dollars per annum, to be paid out of the Treasury, and shall charge such fees as are now, or may be hereafter fixed by Law. He shall make a semi-annual report of all the fees of his office, both as Commissioner of the Land Office, and as Keeper of the Chancery

Records, to the Comptroller of the Treasury, and shall pay the same semi-annually into the Treasury.

Sec. 5. The Commissioner of the Land Office shall also, without additional compensation, collect, arrange, classify, have charge of, and safely keep all Papers, Records, Relics, and other Memorials connected with the Early History of Maryland, not belonging to any other office.

Sec. 6. The qualified voters of Worcester County shall, on the Tuesday next after the first Monday in the month of November, in the year Eighteen Hundred and Sixty-Seven, and every two years thereafter, elect a Wreck Master for said County, whose duties and compensation shall be the same as are now, or may be hereafter, prescribed by Law; the term of office of said Wreck Master shall commence on the first Monday of January next succeeding his election; and a vacancy in said office shall be filled by the County Commissioners of said County for the residue of the term.

ARTICLE VIII.

EDUCATION.

Section 1. The General Assembly, at its first session after the adoption of this Constitution, shall, by Law, establish, throughout the State, a thorough and efficient system of Free Public Schools, and shall provide by taxation, or otherwise, for their maintenance.

Sec. 2. The system of Public Schools, as now constituted, shall remain in force until the end of the said first session of the General Assembly, and shall then expire, except so far as adopted, or continued, by the General Assembly.

Sec. 3. The School Fund of the State shall be kept inviolate, and appropriated only to the purposes of Education.

ARTICLE IX.

MILITIA AND MILITARY AFFAIRS.

Section 1. The General Assembly shall make, from time to time, such provision for organizing, equipping and disciplining the Militia, as the exigency may require, and pass such Laws to promote Volunteer Militia Organizations as may afford them effectual encouragement.

Sec. 2. There shall be an Adjutant General, appointed by the Governor, by and with the advice and consent of the Senate. He shall hold his office until the appointment and qualification of his successor, or until removed in pursuance of the Sentence of a Court Martial. He shall perform such duties, and receive such compensation, or emoluments, as are

now, or may be prescribed by Law. He shall discharge the duties of his office at the Seat of Government, unless absent, under orders, on duty ; and no other officer of the General Staff of the Militia shall receive salary or pay, except when on service, and mustered in with troops.

Sec. 3. The existing Militia Law of the State shall expire at the end of the next Session of the General Assembly, except so far as it may be re-enacted, subject to the provisions of this Article.

ARTICLE X.

LABOR AND AGRICULTURE.

Section 1. There shall be a Superintendent of Labor and Agriculture, elected by the qualified voters of this State at the first general election for Delegates to the General Assembly after the adoption of this Constitution, who shall hold his office for the term of four years, and until the election and qualification of his successor.

Sec. 2. His qualifications shall be the same as those prescribed for the Comptroller ; he shall qualify and enter upon the duties of his office on the second Monday of January next succeeding the time of his election ; and a vacancy in the office shall be filled by the Governor for the residue of the term.

Sec. 3. He shall perform such of the duties now devolved by Law upon the Commissioner of Immigration and the Immigration Agent, as will promote the object for which those officers were appointed, and such other duties as may be assigned to him by the General Assembly, and shall receive a salary of Twenty-Five Hundred Dollars a year ; and after his election and qualification, the offices before mentioned shall cease.

Sec. 4. He shall supervise all the State Inspectors of agricultural products and fertilizers ; and from time to time, shall carefully examine and audit their accounts, and prescribe regulations, not inconsistent with Law, tending to secure economy and efficiency in the business of their offices. He shall have the supervision of the Tobacco Warehouses ; and all other buildings used for inspection and storage purposes by the State ; and may, at the discretion of the Legislature, have the supervision of all public buildings now belonging to, or which may hereafter be erected by the State. He shall frequently inspect such buildings as are committed to his charge, and examine all accounts for labor and material required for their construction, or repairs.

Sec. 5. He shall inquire into the undeveloped resources of wealth of the State of Maryland, more especially concerning those within the limits of the Chesapeake Bay and its tributaries, which belong to the State, and suggest such plans as may be calculated to render them available as sources of revenue.

Sec. 6. He shall make detailed reports to every General Assembly within the first week of its Session, in reference to each of the subjects committed to his charge; and he shall also report to the Governor, in the recess of the Legislature, all abuses or irregularities which he may find to exist in any Department of public affairs, with which his office is connected.

Sec. 7. The office hereby established shall continue for four years from the date of the qualification of the first Incumbent thereof; and shall then expire, unless continued by the General Assembly.

ARTICLE XI.

CITY OF BALTIMORE.

Section 1. The Inhabitants of the City of Baltimore, qualified by Law to vote in said city for members of the House of Delegates, shall on the fourth Wednesday of October, eighteen-hundred and sixty-seven, and on the same day in every fourth year thereafter, elect a person to be Mayor of the City of Baltimore, who shall have such qualifications, receive such compensation, discharge such duties, and have such powers as are now, or may hereafter be prescribed by Law; and the term of whose office shall commence on the first Monday of November succeeding his election, and shall continue for four years, and until his successor shall have qualified; and he shall be ineligible for the term next succeeding that for which he was elected.

Sec. 2. The City Council of Baltimore shall consist of Two Branches, one of which shall be called the First Branch, and the other the Second Branch; and each shall consist of such number of members, having such qualification, receiving such compensation, performing such duties, possessing such powers, holding such terms of office, and elected in such manner, as are now, or may hereafter be prescribed by Law.

Sec. 3. An election for members of the First and Second Branch of the City Council of Baltimore shall be held in the City of Baltimore on the Fourth Wednesday of October, eighteen hundred and sixty-seven; and for members of the First Branch on the same day in every year thereafter; and for members of the Second Branch on the same day in every se-

cond year thereafter ; and the qualification for electors of the members of the City Council shall be the same as those prescribed for the electors of Mayor.

Sec. 4. The regular sessions of the City Council of Baltimore, (which shall be annual,) shall commence on the third Monday of January of each year, and shall not continue more than ninety days, exclusive of Sundays ; but the Mayor may convene the City Council in extra session whenever, and as often as it may appear to him that the public good may require ; but no called, or extra session shall last longer than twenty days, exclusive of Sundays.

Sec. 5. No person, elected and qualified as Mayor, or as a member of the City Council, shall, during the term for which he was elected, hold any other office of profit or trust, created, or to be created, by the Mayor and City Council of Baltimore, or by any Law relating to the Corporation of Baltimore, or hold any employment, or position, the compensation of which shall be paid, directly or indirectly, out of the City Treasury ; nor shall any such person be interested, directly or indirectly, in any contract to which the City is a party ; nor shall it be lawful for any person, holding any office under the City, to be interested, while holding such office, in any contract, to which the City is a party.

Sec. 6. The Mayor shall, on conviction in a Court of Law, of wilful neglect of duty, or misbehavior in office, be removed from office by the Governor of the State ; and a successor shall thereafter be elected as in a case of vacancy.

Sec. 7. From and after the adoption of this Constitution, no debt, (except as hereinafter excepted,) shall be created by the Mayor and City Council of Baltimore ; nor shall the credit of the Mayor and City Council of Baltimore be given, or loaned to, or in aid of any individual, association, or corporation ; nor shall the Mayor and City Council of Baltimore have the power to involve the City of Baltimore in the construction of Works of Internal Improvement, nor in granting any aid thereto, which shall involve the faith and credit of the City, nor make any appropriation therefor, unless such debt or credit be authorized by an Act of the General Assembly of Maryland, and by an Ordinance of the Mayor and City Council of Baltimore, submitted to the legal voters of the City of Baltimore, at such time and place as may be fixed by said Ordinance, and approved by a majority of the votes cast at such time and place ; but the Mayor and City Council may, temporarily, borrow any amount of money to meet any deficiency in the City Treasury, or to provide for any emergency arising from the necessity of maintaining the Police, or preserving the safety and sanitary condition of the City, and may make due and proper arrangements and agreements for

the removal (renewal) and extension, in whole or in part, of any and all debts and obligations, created according to Law before the adoption of this Constitution.

Sec. 8. All Laws and Ordinances, now in force, applicable to the City of Baltimore, not inconsistent with this Article, shall be, and they are hereby continued until changed by due course of Law.

Sec. 9. The General Assembly may make such changes in this Article, except in Section Seventh thereof, as it may deem best; and this Article shall not be so construed, or taken, as to make the political Corporation of Baltimore independent of, or free from the control, which the General Assembly of Maryland has over all such Corporations in this State.

ARTICLE XII.

PUBLIC WORKS.

Section 1. The Governor, the Comptroller of the Treasury, and the Treasurer, shall constitute the Board of Public Works in this State. They shall keep a journal of their proceedings, and shall hold regular sessions in the City of Annapolis, on the first Wednesday in January, April, July and October, in each year, and oftener if necessary; at which sessions they shall hear and determine such matters as affect the Public Works of the State, and as the General Assembly may confer upon them the power to decide.

Sec. 2. They shall exercise a diligent and faithful supervision of all Public Works, in which the State may be interested, as Stockholder or Creditor, and shall represent, and vote the stock of the State of Maryland, in all meetings of the Stockholders of the Chesapeake and Ohio Canal; and shall appoint the Directors in every Railroad and Canal Company in which the State has the legal power to appoint Directors, which said Directors shall represent the State in all meetings of the Stockholders of the respective Companies for which they are appointed, or elected; and the President and Directors of the said Chesapeake and Ohio Canal Company shall so regulate the tolls of said Company, from time to time, as to produce the largest amount of revenue, and to avoid the injurious effects to said Company of rival competitors by other Internal Improvement Companies. They shall require the Directors of all said Public Works to guard the public interest, and prevent the establishment of tolls which shall discriminate against the interest of the citizens or products of this State, and from time to time, and as often as there shall be any change in the rates of toll on any of the said Works, to furnish the said Board of Public Works a schedule of such

modified rates of toll, and so adjust them as to promote the agricultural interests of the State; they shall report to the General Assembly at each regular Session, and recommend such legislation as they may deem necessary and requisite to promote or protect the interests of the State in the said Public Works; they shall perform such other duties as may be hereafter prescribed by Law; and a majority of them shall be competent to act. The Governor, Comptroller and Treasurer, shall receive no additional salary for services rendered by them as members of the Board of Public Works. The provisions of the Act of the General Assembly of Maryland, of the year eighteen hundred and sixty-seven, Chapter 359, are hereby declared null and void.

Sec. 3. The Board of Public Works is hereby authorized to exchange the State's interest, as Stockholder and Creditor in the Baltimore and Ohio Railroad Company for an equal amount of the Bonds, or Registered Debt now owing by the State, to the extent only of all the preferred stock of the State, on which the State is entitled to only six per cent. interest, provided, such exchange shall not be made at less than par, nor less than the market value of said stock; and the said Board is authorized, subject to such regulations and conditions as the General Assembly may, from time to time, prescribe, to sell the State's interest in the other Works of Internal Improvement, whether as a Stockholder or a Creditor, and also the State's interest in any Banking Corporation, receiving in payment the Bonds and Registered Debt now owing by the State, equal in amount to the price obtained for the State's said interest; provided, that the interest of the State in the Washington Branch of the Baltimore and Ohio Railroad be reserved and excepted from sale; and provided further, that no sale, or contract of sale of the State's interest in the Chesapeake and Ohio Canal, the Chesapeake and Delaware Canal, and the Susquehanna and Tide-Water Canal Companies shall go into effect until the same shall be ratified by the ensuing General Assembly.

ARTICLE XIII, NEW COUNTIES.

Section 1. The General Assembly may provide by Law for organizing New Counties, locating and removing County seats, and changing County lines; but no New County shall be organized without the consent of the majority of the legal voters residing within the limits proposed to be formed into said New County; and whenever a New County shall be proposed to be formed out of portions of two or more Counties, the consent of a majority of the legal voters of such part of each of said Counties, respectively, shall be required; nor

shall the lines of any County be changed without the consent of a majority of the legal voters, residing within the District, which, under said proposed change, would form a part of a County different from that to which it belonged prior to said change; and no New County shall contain less than four hundred square miles, nor less than ten thousand white Inhabitants; nor shall any change be made in the limits of any County, whereby the population of said County would be reduced to less than ten thousand white Inhabitants, or its territory reduced to less than four hundred square miles.

Sec. 2. At the election to be held for the adoption, or rejection of this Constitution, in each Election District in those parts of Worcester and Somerset Counties, comprised within the following limits, viz: Beginning at the point where Mason and Dixon's line crosses the channel of Pocomoke River, thence following said line to the channel of the Nanticoke River, thence with the channel of said river to Tangier Sound, or the intersection of Nanticoke and Wicomico Rivers, thence up the channel of the Wicomico River to the mouth of Wicomico Creek, thence with the channel of said creek and Passerdike Creek to Dashield's, or Disharoon's Mills, thence with the mill-pond of said Mills, and Branch following the middle prong of said Branch, to Meadow Bridge, on the road dividing the Counties of Somerset and Worcester, near the southwest corner of the farm of William P. Morris, thence due east to the Pocomoke River, thence with the channel of said river to the beginning, the Judges of election in each of said Districts shall receive the ballots of each elector, voting at said election, who has resided for six months preceding said election within said limits, for or against a New County; and the Return Judges of said Election Districts shall certify the result of such voting, in the manner now prescribed by Law, to the Governor, who shall by Proclamation make known the same; and if a majority of the legal votes cast within that part of Worcester County, contained within said lines, and also a majority of the legal votes cast within that part of Somerset County, contained within said lines, shall be in favor of a New County, then said parts of Worcester and Somerset Counties shall become and constitute a New County, to be called Wicomico County, and Salisbury shall be the County Seat. And the Inhabitants thereof shall thenceforth have and enjoy all such rights and privileges as are held and enjoyed by the Inhabitants of the other Counties of this State.

Sec. 3. When said New County shall have been so created, the Inhabitants thereof shall cease to have any claim to, or interest in, the County buildings and other public property of every description, belonging to said Counties of Somerset and Worcester, respectively, and shall be liable for their pro-

portionate shares of the then existing debts and obligations of the said Counties according to the last assessment in said Counties, to be ascertained and apportioned by the Circuit Court of Somerset County, as to the debts and obligations of said County, and by the Circuit Court of Worcester County, on the petition of the County Commissioners of the said Counties, respectively; and the property in each part of the said Counties, included in said New County, shall be bound only for the shares of the debts, or obligations of the County, from which it shall be separated. And the Inhabitants of said New County shall also pay the County taxes levied upon them at the time of the creation of such New County, as if such New County had not been created; and on the application of twelve citizens of the proposed County of Wicomico, the Surveyor of Worcester County shall run and locate the line from Meadow Bridge to the Pocomoke River previous to the adoption or rejection of this Constitution, and at the expense of said petitioners.

Sec. 4. At the first general election held under this Constitution, the qualified voters of said New County shall be entitled to elect a Senator and two Delegates to the General Assembly, and all such County, or other Officers as this Constitution may authorize, or require to be elected by other Counties of the State; a notice of such election shall be given by the Sheriffs of Worcester and Somerset Counties in the manner now prescribed by Law; and in case said New County shall be established, as aforesaid, then the Counties of Somerset and Worcester shall be entitled to elect but two Delegates each to the General Assembly.

Sec. 5. The County of Wicomico, if formed according to the provisions of this Constitution shall be embraced in the First Judicial Circuit; and the times for holding the Courts therein shall be fixed and determined by the General Assembly.

Sec. 6. The General Assembly shall pass all such Laws as may be necessary more fully to carry into effect the provisions of this Article.

ARTICLE XIV.

AMENDMENTS TO THE CONSTITUTION.

Section 1. The General Assembly may propose Amendments to this Constitution; *provided*, that each Amendment shall be embraced in a separate Bill, embodying the Article or Section, as the same will stand when amended and passed by three-fifths of all the members elected to each of the two Houses, by yeas and nays, to be entered on the Journals with the proposed Amendment. The Bill, or Bills proposing Amendment, or Amendments, shall be published, by order

of the Governor, in at least two newspapers in each County where so many may be published, and where not more than one may be published, then in that newspaper, and in three newspapers published in the City of Baltimore, one of which shall be in the German language, once a week, for at least three months preceding the next ensuing general election, at which the said proposed Amendment, or Amendments shall be submitted, in a form to be prescribed by the General Assembly, to the qualified voters of the State for adoption or rejection. The votes cast for and against said proposed Amendment, or Amendments, severally, shall be returned to the Governor, in the manner prescribed in other cases; and if it shall appear to the Governor that a majority of the votes cast at said election on said Amendment, or Amendments, severally, were cast in favor thereof, the Governor shall, by his Proclamation, declare the said Amendment, or Amendments, having received said majority of votes, to have been adopted by the people of Maryland as part of the Constitution thereof; and thenceforth said Amendment, or Amendments shall be part of the said Constitution. When two or more Amendments shall be submitted, in manner aforesaid, to the voters of this State at the same election, they shall be so submitted as that each Amendment shall be voted on separately.

Sec. 2. It shall be the duty of the General Assembly to provide by Law for taking at the general election to be held in the year eighteen hundred and eighty-seven, and every twenty years thereafter, the sense of the People in regard to calling a Convention for altering this Constitution; and if a majority of voters at such election or elections shall vote for a Convention, the General Assembly, at its next Session, shall provide by Law, for the assembling of such Convention, and for the election of Delegates thereto. Each County and Legislative District of the City of Baltimore shall have in such Convention, a number of Delegates equal to its representation in both Houses at the time the Convention is called. But any Constitution, or Change, or Amendment, of the existing Constitution, which may be adopted by such Convention, shall be submitted to the voters of this State, and shall have no effect unless the same shall have been adopted by a majority of the voters voting thereon.

ARTICLE XV.

MISCELLANEOUS.

Section 1. Every person holding any office created by, or existing under the Constitution, or Laws of the State, (except Justices of the Peace, Constables, and Coroners,) or holding any appointment under any Court of this State, whose pay, or compensation, is derived from fees, or moneys coming

into his hands for the discharge of his official duties, or in any way growing out of, or connected with his office, shall keep a Book, in which shall be entered every sum, or sums of money received by him, or on his account, as a payment, or compensation for his performance of official duties, a copy of which entries in said Book, verified by the oath of the officer, by whom it is directed to be kept, shall be returned yearly to the Comptroller of the State for his inspection, and that of the General Assembly of the State, to which the Comptroller shall, at each regular Session thereof, make a report, showing what officers have complied with this Section; and each of the said officers, when the amount received by him for the year shall exceed the sum which he is, by Law, entitled to retain as his salary, or compensation for the discharge of his duties, and for the expenses of his office, shall yearly pay over to the Treasurer of the State the amount of such excess, subject to such disposition thereof as the General Assembly may direct; if any of such officers shall fail to comply with the requisitions of this Section, for the period of thirty days after the expiration of each and every year of his office, such officer shall be deemed to have vacated his office, and the Governor shall declare the same vacant, and the vacancy therein shall be filled as in case of vacancy for any other cause; and such officer shall be subject to suit by the State for the amount that ought to be paid into the Treasury; and no person holding any office created by, or existing under this Constitution, or Laws of the State, or holding any appointment, under any Court in this State, shall receive more than three thousand dollars a year as a compensation for the discharge of his official duties, except in cases specially provided in this Constitution.

Sec. 2. The several Courts, existing in this State, at the time of the adoption of this Constitution, shall, until superseded under its provisions, continue with like powers and jurisdiction, and in the exercise thereof, both at Law and in Equity, in all respects, as if this Constitution had not been adopted; and when said Courts shall be so superseded, all causes, then depending in said Courts, shall pass into the jurisdiction of the several Courts, by which they may be, respectively, superseded.

Sec. 3. The Governor, and all officers, civil and military, now holding office under this State, whether by election, or appointment, shall continue to hold, exercise and discharge the duties of their offices, (unless inconsistent with, or otherwise provided in this Constitution,) until they shall be superseded under its provisions, and until their successors shall be duly qualified.

Sec. 4. If at any election directed by this Constitution, any

two or more candidates shall have the highest and an equal number of votes, a new election shall be ordered by the Governor, except in cases specially provided for by this Constitution.

Sec. 5. In the trial of all criminal cases, the Jury shall be the Judges of Law as well as of fact.

Sec. 6. The right of trial by Jury of all issues of fact in civil proceedings in the several Courts of Law in this State, where the amount in controversy exceeds the sum of five dollars, shall be inviolably preserved.

Sec. 7. All general elections in this State shall be held on the Tuesday next after the first Monday in the month of November, in the year in which they shall occur; and the first election of all officers, who, under this Constitution, are required to be elected by the People, shall, except in cases herein specially provided for, be held on the Tuesday next after the first Monday of November, in the year Eighteen Hundred and Sixty-Seven.

Sec. 8. The Sheriffs of the several Counties of this State, and of the City of Baltimore, shall give notice of the several elections authorized by this Constitution, in the manner prescribed by existing Laws for Elections to be held in this State, until said Laws shall be changed.

Sec. 9. The Term of Office of all Judges and other Officers, for whose election provision is made by this Constitution, shall, except in cases otherwise expressly provided herein, commence from the time of their election; and all such Officers shall qualify as soon after their election as practicable, and shall enter upon the duties of their respective offices immediately upon their qualification; and the term of office of the State Librarian and of the Commissioner of the Land Office shall commence from the time of their appointment.

Sec. 10. Any Officer elected, or appointed in pursuance of the provisions of this Constitution, may qualify, either according to the existing provisions of Law in relation to officers under the present Constitution, or before the Governor of the State, or before any Clerk of any Court of Record in any part of the State; but in case an officer shall qualify out of the County, in which he resides, an official copy of his oath shall be filed and recorded in the Clerk's Office of the Circuit Court of the County, in which he may reside, or in the Clerk's Office of the Superior Court of the City of Baltimore, if he shall reside therein.

VOTE ON THE CONSTITUTION.

For the purpose of ascertaining the sense of the People of this State, in regard to the adoption, or rejection of this Constitution, the Governor shall issue his Proclamation within five days after the adjournment of this Convention, directed to the Sheriffs of the City of Baltimore, and of the several Counties of this State, commanding them to give notice, in the manner now prescribed by Law, in reference to the election of members of the House of Delegates, that an election for the adoption or rejection of this Constitution, will be held in the City of Baltimore, and in the several Counties of this State, on Wednesday, the Eighteenth day of September, in the year eighteen hundred and sixty-seven, at the usual places of holding elections for members of the House of Delegates in said City and Counties. At the said election the vote shall be by ballot, and upon each ballot, there shall be written, or printed the words "For the Constitution," or "Against the Constitution," as the voter may elect; and the provisions of the Laws of this State, relating to holding of general elections for members of the House of Delegates, shall, in all respects, apply to, and regulate the holding of the said election. It shall be the duty of the Judges of Election, in the said City, and in the several Counties of the State, to receive, accurately count, and duly return the number of ballots, so cast for, or against the adoption of this Constitution, as well as any blank ballots, which may be cast, to the several Clerks of the Circuit Courts of this State, and to the Clerk of the Superior Court of Baltimore City, in the manner, now prescribed by Law, in reference to the election of members of the House of Delegates, and duplicates thereof directly to the Governor; and the several Clerks aforesaid, shall return to the Governor, within ten days after said election, the number of ballots cast for or against the Constitution, and the number of blank ballots; and the Governor, upon receiving the returns, (from the Judges of election, or the Clerks as aforesaid,) and ascertaining the aggregate vote throughout the State, shall, by his Proclamation, make known the same; and if a majority of the votes cast shall be for the adoption of this Constitution, it shall go into effect on Saturday, the Fifth day of October, eighteen hundred and sixty-seven.

Done, in Convention, the Seventeenth day of August, in the Year of our Lord, One Thousand Eight Hundred and Sixty-Seven, and of the Independence of the United States, the Ninety-Second.

RICHARD B. CARMICHAEL,

President of the Convention.

ATTEST:

MILTON Y. KIDD,

Secretary of the Convention.

STATE OF MARYLAND, SCT:

I, GEORGE EARLE, Clerk of the Court of Appeals of Maryland, do hereby certify that this Constitution was, on the Seventeenth day of August, in the year of our Lord One Thousand Eight Hundred and Sixty-Seven, filed in this office.

Witness my hand,

GEORGE EARLE,

Clerk of the Court of Appeals.

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TO THE

Journal of Proceedings

OF THE

CONSTITUTIONAL CONVENTION,

1867.

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AND
Standing Committees
OF THE
CONSTITUTIONAL CONVENTION,
1867.

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	George R. Howard.....	"	"
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	Outerbridge Horsey....	Att'y & Farmer	Burketsville.
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	Dewitt C. Johnson.....	"	Frederick.
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	Evans S. Rogers.....	Manf'r & Farm'r	Jarrettsville.
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	C. H. B. Massey.....	"	Galena.
	Wm. Janvier.....	"	Kennedysville.
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	Nicholas Brewer.....	Physician.....	Dawsonville.
	Samuel Riggs, of R....	Farmer.....	Laytonsville.
	Washington Duvall....	Physician.....	Colesville.
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	John B. Brooke.....	Att'y at Law...	"
	Fendall Marbury.....	"	T. B.
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	Thomas J. Keating.....	Att'y & Farmer	Centreville.
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	Baker A. Jamison.....	Att'y at Law...	Chaptico.
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	Isaac D. Jones.....	Att'y at Law...	Princess Anne.
	Henry Page.....	"	"
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	Richard C. Hollyday....	"	"
	Henry E. Bateman.....	Manufacturer...	Oxford.
	Ormond Hammond.....	Farmer.....	Royal Oak.
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	Richard H. Alvey.....	"	"
	Joseph Murray.....	Broker.....	Hancock.
	S. S. Cunningham.....	Bank President	Williamsport.
	Wm. Motter.....	Att'y at Law...	Hagerstown.
	Geo. Pole.....	Merchant.....	"
WORCESTER....	J. Hopkins Tarr.....	Att'y at Law...	Salisbury.
	Littleton P. Franklin..	Farmer.....	Berlin.
	Thomas P. Parker.....	"	Snow Hill.
	Samuel S. McMaster....	Mer. & Farmer.	Newtown.
	George W. Covington..	Att'y at Law...	Snow Hill.

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Committee to Consider and Report upon the Declaration of Rights.

MESSRS.	MESSRS.	MESSRS.
JONES,	HARDCASTLE,	RINGGOLD,
PERRY,	MANRO,	BREWER, of Montgomery,
HALL,	HOWARD,	BROOKE,
GEORGE,	STODDERT,	BRADLEY,
CARTER,	AUSTIN,	JAMISON,
PETERS,	RODGERS,	HAMMOND,
BUCHANAN,	MORRIS,	SYESTER,
IRELAND,	NELSON,	PARKER.

Committee upon the Executive Department.

MESSRS.	MESSRS.	MESSRS.
STODDERT,	VANSANT,	WALLACE,
PERRY,	WETHERED,	MAULSBY,
HALL,	BENNETT,	TARR, of Worcester.

Committee upon the Legislative Department.

MESSRS.	MESSRS.	MESSRS.
DENT,	GILL,	HOWARD,
McKAIG,	KENNEDY,	FARNANDIS,
BROWN,	HAYDEN,	PAGE.

Committee upon the Judiciary Department.

MESSRS.	MESSRS.	MESSRS.
DOBBIN,	GROOME,	WATKINS, of Montgomery
WALSH,	HAYDEN,	MARBURY,
HOWISON,	BRENT,	KEATING,
GILL,	WALLACE,	FORD,
RITCHIE,	MAULSBY,	PAGE,
BARRY,	ARCHER,	HOLLYDAY,
C. S. PARRAN,	MACKUBIN,	MOTTER,
TARR, of Caroline,	WICKES,	COVINGTON.

Committee upon the Attorney-General and the State's Attorneys.

MESSRS.	MESSRS.	MESSRS.
BARRY,	GROOME,	TARR, of Worcester,
RENNOLDS,	EVANS,	FORD,
GAREY,	RINGGOLD,	ARCHER.

Committee upon the Treasury Department.

MESSRS.	MESSRS.	MESSRS.
HOLLYDAY,	BRADLEY,	DORSEY,
FERRY,	FRANKLIN,	MASSEY,
STARR,	CHAMBERS,	EMACK.

Committee upon the Elective Franchise and the Qualification of Voters.

MESSRS.	MESSRS.	MESSRS.
WICKES,	MERRYMAN,	BATEMAN,
HOBLITZELL,	WETHERED,	FORD,
GAREY,	DUVALL,	SYESTER.

Committee Respecting the Militia and Military Affairs.

MESSRS.	MESSRS.	MESSRS.
LEE,	WATKINS,	TOADVINE,
GIDDINGS,	WALLACE,	POLE,
FERRY,	MACKUBIN,	McMASTER.

STANDING COMMITTEES—CONTINUED.

Committee upon Education.

MESSRS.	MESSRS.	MESSRS.
FARNANDIS,	TARR, of Caroline,	DUVALL,
McKAIG,	COVER,	BROOKE,
KILBOURN,	McCORMICK,	KEATING,
VANSANT,	BRENT,	JAMISON,
PLEASANTS,	GOLDSBOROUGH, Dor.	RIDER,
WILKINSON,	JOHNSON,	BATEMAN,
BELL,	DEVRIES,	MURRAY,
PARRAN, CHAS. S.	MASSEY,	FRANKLIN.

Committee upon a Proper Basis of Representation in the two Houses of the General Assembly, and a Proper Apportionment of Representatives in the Same.

MESSRS.	MESSRS.	MESSRS.
ALVEY,	HUBBARD,	JANVIER,
ROMAN,	LONGWELL,	RIGGS,
GIDDINGS,	COSGROVE,	LEE,
BARNES,	MITCHELL,	FINLEY,
BROWN,	HODSON,	DENT,
DENSON,	HORSEY, of Frederick,	TOADVINE,
KENNEDY,	EVANS,	GOLDSBOROUGH, of Tal.
PARRAN, JOHN,	MACKUBIN,	McMASTER.

Committee Respecting Future Amendments to the Constitution.

MESSRS.	MESSRS.	MESSRS.
MAULSBY,	BUCHANAN,	McPHERSON,
FLAHERTY,	ARCHER,	WATKINS, of Montgomery,
FRANCK,	CHAMBERS,	EMACK.

Committee Respecting the Appointment, Tenure of Office, Duties and Compensation of all Civil Officers not Embraced in the Duties of Other Standing Committees.

MESSRS.	MESSRS.	MESSRS.
ROMAN,	MITCHELL,	MACKUBIN,
CARTER,	AUSTIN,	LEE,
BARRY,	McPHERSON,	CUNNINGHAM.

Committee upon Accounts.

MESSRS.	MESSRS.	MESSRS.
HOWISON,	HUBBARD,	DORSEY,
SPATES,	CHAMBERS,	RIGGS,
WHITMAN,	JANVIER,	SILVER.

Committee upon Printing.

MESSRS.	MESSRS.	MESSRS.
LONGWELL,	BREWER, Balto. city,	DENT,
HENDERSON,	THOMAS,	MOTTER,
STARR,	SILVER,	HORSEY, of Somerset.

Committee upon Public Works and Corporations.

MESSRS.	MESSRS.	MESSRS.
BARNES,	GALT,	GOLDSBOROUGH, of Dor.
SPATES,	HORSEY, of Frederick,	MARBURY,
NICOLAI,	FARNANDIS,	McMASTER.

[DOCUMENT A.]
READ-AND ORDERED TO BE PRINTED,
By Order, M. Y. KIDD, Secretary to the Convention.

AMOUNTS

COLLECTED AND PAID TO CLERKS

OF THE

CIRCUIT COURTS,

FROM

1852 TO 1866.



ANNAPOLIS:
GEORGE COLTON, PRINTER TO THE CONVENTION.
1867.

OFFICE COUNTY COMMISSIONERS,

ALLEGANY COUNTY,
Cumberland, May 17, 1867.

Hon. R. B. CARMICHAEL,

President Constitutional Convention :

In compliance with the order of the Convention of the 15th inst., asking a statement of amounts of money levied and paid to the Clerks of the Circuit Courts in each year, from 1852 to 1866, inclusive, beg leave to submit the following statement for Allegany county :

Amount levied for 1852	\$1483 99
“ “ “ 1853	1166 79
“ “ “ 1854	1023 25
“ “ “ 1855	1078 79
“ “ “ 1856	809 05
“ “ “ 1857	1148 95
“ “ “ 1858	1277 32
“ “ “ 1859	1194 40
“ “ “ 1860	1157 75
“ “ “ 1861	1053 15
“ “ “ 1862	1112 26
“ “ “ 1863	1478 35
“ “ “ 1864	1160 10
“ “ “ 1865	1511 00
“ “ “ 1866	2427 17

Respectfully submitted,

W. R. McCULLEY, Clerk.

OFFICE OF COUNTY COMMISSIONERS,

ANNE ARUNDEL COUNTY,

Annapolis, May 17, 1867.

Hon. R. B. CARMICHAEL,

President of the Constitutional Convention of Maryland :

Sir:—In obedience to the order passed by your Honorable Body on the 15th instant, “That the Clerks of the

County Commissioners of the several Counties of this State be requested to report at the earliest practicable day to this Convention the several amounts of money levied and paid to the Clerks of the Circuit Courts, in each year from 1852 to 1866, inclusive." I have the honor to report that the Board of Commissioners for this County levied and paid to the Clerks of the Circuit Courts the several amounts of money, for the years herein specified, viz: for the year 1853, the sum of \$190 89; and for 1854, the sum of \$1216 22; and for 1855, the sum of \$1015 00; and for 1856, the sum of \$1016 04; and for 1857, the sum of \$1131 09; and for 1858, the sum of \$1316 99; and for 1859, the sum of \$1079 65; and for 1860, the sum of \$1173 09; and for 1861, the sum of \$1025 38; and for 1862, the sum of \$1169 42; and for 1863, the sum of \$1157 32; and for 1864, the sum of \$1116 21; and for 1865, the sum of \$1659 61; and for 1866, the sum of \$1733 19.

I am, very respectfully,

Your obed't serv't,

GEO. M. DUWALL,

Clerk.

OFFICE COUNTY COMMISSIONERS,

BALTIMORE COUNTY,

Towsontown, May 20, 1867.

Hon. R. B. CARMICHAEL,

President Constitutional Convention:

Sir:—In response to your order, passed the 15th inst., requiring a statement of the amounts of money levied and paid to the Clerks of the Circuit Court of this county in each year from 1852 to 1866, inclusive, I respectfully state that the Clerk's fees are estimated with the other Court expenses, and no particular amount levied for their special use.

The following table will show the amounts paid to Clerks of the Circuit Court from 1852 to 1866, inclusive:

1852.....	\$723 05
1853.....	701 25
1854.....	178 05
1855.....	1049 11
1856.....	235 20
1857.....	1393 59
1858.....	975 26
1859.....	3753 75

Clerk.

Clerk.

1852 am't.	paid Clerk fees and Stationery,	\$474	87
1853.....	" " " "	613	31
1854.....	" " " "	554	28
1855.....	" " " "	628	41
1856.....	" " " "	470	89

1857.....	“	.....	“	.....	“	.....	577	22
1858.....	“	.....	“	.....	“	.....	1194	52
1859.....	“	.....	“	.....	“	.....	1724	06
1860.....	“	.....	“	.....	“	.....	1899	75
1861.....	“	.....	“	.....	“	.....	1498	43
1862.....	“	.....	“	.....	“	.....	1076	24
1863.....	“	.....	“	.....	“	.....	940	42
1864.....	“	.....	“	.....	“	.....	1185	34
1865.....	“	.....	“	.....	“	.....	1083	08
1866.....	“	.....	“	.....	“	.....	1398	95

W. H. CHARLES,
Clerk.

OFFICE OF THE COUNTY COMMISSIONERS,
CARROLL COUNTY,
Westminster, Md., May 23, 1867.

Hon. R. B. CARMICHAEL,

President Constitutional Convention:

Sir :—In compliance with your request, I have the honor to report to your Convention the several amounts of money levied and paid by the County Commissioners of Carroll county, to the Clerks of the Circuit Courts in each year from 1852 to 1866, inclusive :

1852.....	\$631	95
1853.....	543	52
1854.....	591	36
1855.....	586	27
1856.....	746	05
1857.....	703	33
1858.....	1543	09
1859.....	1004	59
1860.....	645	91
1861.....	705	47
1862.....	1013	39
1863.....	472	46
1864.....	1088	56
1865.....	1020	72
1866.....	1174	70

Most respectfully submitted,

Your obedient serv't,

LEVI VALENTINE,

OFFICE COUNTY COMMISSIONERS,

CECIL COUNTY,

Elkton, May 17, 1867.

Hon. R. B. CARMICHAEL,

President Constitutional Convention:

A statement of the several amounts levied and paid to the Clerks of Cecil county, Circuit Court for the years named, which amounts include cost of books, stationery and fuel:

YEARS.	AMOUNT.	YEARS.	AMOUNT.
1852	\$1115 91	1860	\$1078 30
1853	1040 35	1861	1036 29
1854	869 81	1862	782 17
1855	719 52	1863	813 22
1856	858 48	1864	1243 41
1857	724 79	1865	1363 39
1858	994 19	1866	1501 50
1859	1205 49		

I certify that the foregoing is correctly copied from the books of the County Commissioners of Cecil county.

JAMES S. CRAWFORD,

Clerk.

OFFICE COUNTY COMMISSIONERS,

CHARLES COUNTY,

Port Tobacco, May 17, 1867.

Hon. R. B. CARMICHAEL,

President of the Constitutional Convention:

Sir:—The following sums were levied in this county for Clerks to the Circuit Court from the year 1854 to the year 1866, inclusive, the levy for the two previous years have been destroyed:

1854.....	\$745 35
1855.....	577 45
1856.....	562 57
1857.....	639 09
1858.....	906 25
1859.....	669 55

1860.....	1132 96
1861.....	705 60
1862.....	736 60
1863.....	714 90
1864.....	705 65
1865.....	762 00
1866.....	1091 15

Very respectfully,

J. R. ROBERTSON,

Clerk.

COUNTY COMMISSIONERS' OFFICE,

DORCHESTER COUNTY,

Cambridge, Md., May 21, 1867.

Hon. R. B. CARMICHAEL,

President of the Constitutional Convention :

In reply to an order of the Constitutional Convention in regard to amounts levied by this county, and paid to F. J. Henry, Clerk of Circuit Court, in each year from 1852 to 1866, inclusive:

1852.....	\$591 55
1853.....	888 50
1854.....	972 18
1855.....	1243 13
1856.....	930 93
1857.....	1291 69
1858.....	1863 75
1859.....	1837 26
1860.....	1505 23
1861.....	1423 76
1862.....	1591 90
1863.....	1589 78
1864.....	1618 77
1865.....	1773 65
1866.....	2128 03

Total amount.....\$21250 11

Respectfully,

JOHN T. JACKSON,

Clerk.

OFFICE OF COUNTY COMMISSIONERS,
FREDERICK COUNTY,
Frederick, Md., May 20, 1867.

Hon. R. B. CARMICHAEL,

President of the Constitutional Convention :

Sir :—In response to the order passed by the Convention, requesting me to report the amounts of money levied and paid to the Clerks of the Circuit Courts in each year from 1852 to 1866, inclusive. I beg to report that there was paid

in

1852.....	\$897 39
1853.....	1594 33
1854.....	1051 50
1855.....	1319 96
1856.....	1303 48
1857.....	1257 39
1858.....	1216 90
1859.....	1377 84
1860.....	1895 65
1861.....	1657 52
1862.....	1559 73
1863.....	1458 68
1864.....	1558 27
1865.....	1289 48
1866.....	1044 40

Respectfully submitted,

EZRA SLIFER,

Clerk.

COUNTY COMMISSIONERS' OFFICE,

HARFORD COUNTY,

Bel-Air, May 20, 1867.

Hon. R. B. CARMICHAEL,

President of the Constitutional Convention :

In compliance with an order of the Convention, I herewith transmit a statement of the amounts levied and paid to the Clerks of the Circuit Court from the year 1858 ; previous to that levy the papers of the Commissioners' Office were destroyed by fire, consequently I cannot give the amounts for 1852, '53, '54, '55, '56 and '57 :

1858.....	\$1532 81
1859.....	1543 31
1860.....	1732 83

1861.....	1547 95
1862.....	1516 24
1863... ..	1147 63
1864.....	1565 06
1865.....	1783 43
1866.....	1656 71

Respectfully submitted,

JOHN T. SPICER,

Clerk.

COUNTY COMMISSIONERS' OFFICE,

HOWARD COUNTY,

Ellicott City, May 17, 1867.

Report of moneys levied from 1852 to 1856 :

1852... Wm. H. Worthington, Clerk.....	\$722 82
1853... " " "	768 33
1854... " " "	900 00
1855... " " "	1005 85
1856... " " "	844 90
1857... " " "	976 49
1858... W. W. Walkins, "	1268 22
1859... " " "	1845 47
1860... " " "	1423 49
1861... " " "	1292 50
1862... " " "	1124 67
1863... " " "	1615 75
1864... " " "	1164 61
1865... " " "	1657 00
1866... " " "	1566 00

\$18166 10

By order,

DAVID FELEMYER,

Clerk.

COUNTY COMMISSIONERS' OFFICE,

KENT COUNTY,

May 24, 1867.

Hon. R. B. CARMICHAEL,

President Constitutional Convention,

Sir :—The amount levied to Clerk of Circuit Court for
the year

1853.....	\$679 64
1854.....	626 49

1855.....	910 50
1856.....	906 66
1857.....	834 80
1858.....	810 28
1859.....	959 03
1860.....	908 72
1861.....	1048 23
1862.....	955 05
1863.....	822 41
1864.....	800 00
1865.....	869 30
1866.....	1557 50

Respectfully,

JOHN RUSSELL,

Clerk.

COUNTY COMMISSIONERS' OFFICE,

MONTGOMERY COUNTY,

Rockville, May 21st, 1867.

The following is a correct copy of the amount levied by County Commissioners for the Clerk of the Circuit Court of Montgomery County, Maryland:

1852.....	\$444 28
1853.....	901 45
1854.....	752 33
1855.....	720 00
1856.....	630 57
1857.....	830 57
1858.....	702 26
1859.....	1111 31
1860.....	1056 89
1861.....	1002 64
1862.....	871 74
1863.....	906 09
1864.....	1265 50
1865.....	1132 45
1866.....	1403 08

\$13,731 16

JOS. A. TANEY,

Clerk.

OFFICE COUNTY COMMISSIONERS,

PRINCE GEORGE'S COUNTY,

May 21st, 1867.

Hon. R. B. CARMICHAEL,

President of the Constitutional Convention:

Sir: — The amount levied and paid to the Clerks of the
Circuit Court for Prince George's County—

was for the year 1853.....	\$859 40
“ ‘1854.....	975 81
“ “1855.....	2292 65
“ “1856.....	897 91
“ “1857.....	1268 62
“ “ 1858.....	1203 16
“ “1859.....	1466 42
“ “1860.....	1596 14
“ “1861.....	1586 02
“ “1862.....	1770 60
“ “1863.....	1630 62
“ “1864.....	1516 41
“ “1865.....	1700 56
“ “1866.....	2258 37

Very respectfully,

GEO. L. HERBERT,

Clerk.

OFFICE COUNTY COMMISSIONERS,

QUEEN ANNE'S COUNTY,

Centreville, May 20, 1867.

Hon. R. B. CARMICHAEL,

President of the Constitutional Convention:

In reply to the annexed order, I have the honor to
state, that the amounts levied on Queen Anne's County, and
paid to the Clerks of the Circuit Court for said county in
each year, from 1852 to 1866, inclusive, are as follows:

1852.....	\$671 17
1853.....	1120 98
1854.....	1137 02
1855.....	1296 58
1856.....	1697 46
1857.....	1591 71
1858.....	1311 37
1859.....	1209 68
1860.....	1200 00

1861.....	1496 47
1862.....	1436 23
1863.....	2170 00
1864.....	1445 81
1865.....	1070 96
1866.....	1488 74

JAMES WOOTERS,

Clerk.

OFFICE COUNTY COMMISSIONERS,

ST. MARY'S COUNTY,

May 22d, 1867.

Hon. R. B. CARMICHAEL,

President of the Constitutional Convention:

In compliance with orders of the Convention, I send amounts levied and paid the Clerk of the Circuit Court of this county, since 1852, amount levied for the President and Board of School Commissioners for 1866, and the amount levied for the State's Attorney for the years 1864, '65, '66, '67; amount levied for Clerk of Circuit Court—

1852 was	\$711 29
1853 "	643 63
1854 "	837 28
1855 "	607 73
1856 "	662 91
1857 "	702 25
1858 "	742 61
1859 "	825 22
1860 "	863 19
1861 "	737 72
1862 "	676 78
1863 "	821 45
1864 "	688 01
1865 "	1421 90
1866 "	1432 30

Total..... \$12,374 27

I hereby certify that the foregoing is correctly taken from the Records of this office.

JAS. H. WILSON,

Clerk.

COUNTY COMMISSIONERS' OFFICE,
SOMERSET COUNTY,
Princess Anne, May 21st, 1867.

Hon R. B. CARMICHAEL,

President of the Constitutional Convention :

Levied and paid to the Clerks of the Circuit Court for
Somerset county, from the year 1852 to 1866 :

1853.	As Clerk of the Circuit Court.....	\$1133 45
"	Fuel and stationery, &c.....	80 45
1854.	As Clerk of the Circuit Court.....	1146 32
"	Fuel, postage and stationery.....	67 47
1855.	As Clerk of the Circuit Court.....	840 06
"	Fuel and stationery.....	65 31
1856.	As Clerk of the Circuit Court.....	984 45
"	Fuel, stationery, postage and recording roads.....	81 57
1857.	As Clerk of the Circuit Court.....	994 55
"	Fuel, stationery, &c.....	73 09
1858.	As Clerk of the Circuit Court.....	1290 52
"	Postage, &c.....	72 37
1859.	As Clerk of Circuit Court.....	1111 82
"	Postage, stationery, fuel, &c.....	93 38
1860.	As Clerk of the Circuit Court, stationery &c.	1223 41
1861.	As Clerk of the Circuit Court.....	1313 55
"	Stationery, fuel, &c.....	73 78
1862.	As Clerk of Circuit Court.....	1214 09
"	Fuel and stationery.....	79 13
1863.	As Clerk of the Circuit Court.....	1338 82
"	Stationery, &c.....	74 24
1864.	As Clerk of the Circuit Court, &c.....	1363 15
1865.	As Clerk of the Circuit Court.....	1391 88
"	Fuel, lights, stationery, blank books, re- cord books, postage, cash paid for re- pairs on clerk's office and for official seal, per order of Court.....	273 88
1866.	As Clerk of Circuit Court.....	1397 74
"	Fuel stationery, postage, &c.....	209 15
		<hr/>
		\$17,982 53

By order,

CADMUS DASHIELL,
Clerk.

COUNTY COMMISSIONERS' OFFICE,

TALBOT COUNTY,

Easton, May 17, 1867.

Hon. R. B. CARMICHAEL,

President of the Constitutional Convention :

Levies to Clerk of Circuit Court, Talbot County:—

1852.....	\$ 623 60
1853.....	1124 42
1854.....	1220 18
1855.....	1143 73
1856.....	1188 60
1857.....	1333 87
1858.....	1434 39
1859.....	1061 02
1860.....	1441 98
1861.....	1500 00
1862.....	1398 53
1863.....	1500 00
1864.....	1433 49
1865.....	1732 28
1866.....	1874 34

The above levies include the expenses of the office, such as repairs, fuel and light, &c.

I hereby certify that the foregoing statement is correct.

M. G. FEDDERMAN,

Clerk.

COUNTY COMMISSIONERS' OFFICE,

WASHINGTON COUNTY,

Hagerstown, May 20, 1867.

Hon. R. B. CARMICHAEL,

President Constitutional Convention :

Sir:—In obedience to an order of the Constitutional Convention, communicated to me by yours of the 15th inst. I have the honor of reporting that the amount levied by this County and paid to the Clerk of the Circuit Court for year A. D.,

1852.....	\$1031 40
1853.....	1082 47
1854.....	1471 21
1855.....	975 29

1856.....	1009 90
1857.....	1203 33
1858.....	1002 00
1859.....	1039 18
1860.....	1152 06
1861.....	1199 14
1862.....	1283 12
1863.....	1081 19
1864.....	952 68
1865.....	1100 00
1866.....	1328 52

The levy for 1867 has not been made.

Respectfully submitted,

JOHN L. SMITH,

Clerk.

OFFICE COUNTY COMMISSIONERS,

WORCESTER COUNTY,

Snow Hill, Md., May 10, 1867.

Hon. R. B. CARMICHAEL,

President Constitutional Convention:

Sir:—The amount levied to the Clerks of the Circuit Court, as appears on examination of the levy lists of the several years annexed, appears to have been, in

1852.....	\$547 57
1853.....	536 08
1854.....	743 69
1855.....	581 83
1856.....	792 25
1857.....	783 91
1858.....	460 06
1859.....	624 48
1860.....	763 42
1861.....	740 74
1862.....	841 15
1863.....	833 40
1864.....	525 73
1865.....	1010 90
1866.....	1104 20

Respectfully, yours,

JAMES S. JONES,

Clerk.

[DOCUMENT B.]
READ-AND ORDERED TO BE PRINTED,
By Order, M. Y. KIDD, Secretary to the Convention.

REPORTS
OF THE
CLERKS OF CO. COMMISSIONERS
AND CIRCUIT COURTS,
GIVING
AMOUNTS PAID TO STATE'S ATTORNEYS,
AND ALSO,
*Showing the Number of Indictments Found,
Cases Tried, &c., &c.*
FROM
1864 TO 1867.

ANNAPOLIS:
GEORGE COLTON, PRINTER TO THE CONVENTION.
1867.

COUNTY COMMISSIONERS' OFFICE,

ALLEGANY COUNTY,

Cumberland, May 17, 1867.

Hon. R. B. CARMICHAEL,

President of the Constitutional Convention.

In compliance with an Order of the Convention now in session at Annapolis, requesting a statement of the amount levied for the State's Attorney of this county, during the years 1864, 1865, 1866 and 1867, beg leave to state that the levy for

1864 was	\$573 83
1865 "	1111 11
1866 "	1300 79

No levy made for 1867.

Respectfully submitted,

W. R. McCULLEY,

Clerk.

COUNTY COMMISSIONERS' OFFICE,

ANNE ARUNDEL COUNTY,

Annapolis, May 17, 1867.

Hon. RICHARD B. CARMICHAEL,

President of the Constitutional Convention.

Sir:—In obedience to the order passed by your Honorable Body on the 15th instant, "That the Clerks of the County Commissioners of each of the counties of the State be requested to furnish this Convention a statement of the amounts levied in their respective counties, as compensation for the State's Attorneys in said counties during the years 1864, 1865, 1866 and 1867," I have the honor to inform you that the Board of Commissioners for this county levied for the State's Attorney in the years 1864, 1865, 1866 and 1867, respectively, the sums of \$874 83, \$728 17, \$1374 84, and \$1819 80.

I am, very respectfully, your obedient servant,

GEO. M. DUVALL,

Clerk.

COUNTY COMMISSIONERS' OFFICE,
BALTIMORE COUNTY,
Towson town, May 20th, 1866.

Hon. R. B. CARMICHAEL,

President Constitutional Convention:

Dear Sir:—In compliance with the order passed 15th instant, requesting a statement of the amounts levied in Baltimore county, as compensation for the State's Attorney for 1864, 1865, 1866 and 1867, I respectfully submit, that there is no specified sum levied for State's Attorney, but an estimate is made of the Court expenses in which the State's Attorney's compensation is included.

The following table will show the amounts paid State's Attorney from 1864 to 1867 :

1864.....	\$2880 66
1865.....	2082 54
1866.....	2519 53
1867.....	0000 00

Very respectfully, your obedient servant,

WILLIAM FOSTER,
Clerk.

COUNTY COMMISSIONERS' OFFICE,
CALVERT COUNTY,
Prince Frederick, May 20th, 1867.

Hon. R. B. CARMICHAEL,

President of the Constitutional Convention.

Dear Sir:—The amounts of money levied and paid to State's Attorney in the year

1864 was.....	\$236 00
1865 "	316 66
1866 "	450 33

The levy for 1867 will not be made until June.

Yours, very respectfully,

WILLIAM IRELAND,
Clerk.

COUNTY COMMISSIONERS' OFFICE,

CAROLINE COUNTY,

Denton, June 6, 1867.

Hon. R. B. CARMICHAEL,

President Constitutional Convention :

Sir :—I have the honor to report the following, in response to an order of the Convention :

Amount paid State's Attorney for the following years :

1864.....	\$639 52
1865.....	656 21
1866.....	813 03

There has been no levy made for the year 1867.

I am, with respect, &c.,

W. H. CHARLES,

Clerk.

COUNTY COMMISSIONERS' OFFICE,

CARROLL COUNTY,

Westminster, May 23, 1867.

Hon. R. B. CARMICHAEL,

President of the Constitutional Convention :

Sir :—In compliance with a request to furnish your Convention with the amount levied in Carroll County as compensation for the State's Attorney, during the years 1864, '65, '66 and '67, I have the honor to report as follows :

For State's Attorney for the year 1864...	\$586 66
“ “ “ 1865...	925 00
“ “ “ 1866...	1162 00

I am, with great respect,

Your obedient servant,

LEVI VALENTINE,

Clerk.

COUNTY COMMISSIONERS' OFFICE,

CECIL COUNTY,

Elkton, May 17, 1867.

Hon. R. B. CARMICHAEL,

President Constitutional Convention:

A statement of the amounts levied in Cecil County as compensation for the States' Attorney in said county, for the years named:

1864.....	\$551 49
1865.....	479 86
1866.....	1016 56
1867, levy not made and accounts not filed.	

I certify that the foregoing is correctly copied from the books of the County Commissioners of Cecil county.

JAMES S. CRAWFORD,

Clerk.

COUNTY COMMISSIONERS' OFFICE,

CHARLES COUNTY,

Port Tobacco, May 17, 1867.

Hon. R. B. CARMICHAEL,

President of the Constitutional Convention:

Sir:—The following sums were levied on this county as compensation for the States' Attorney, viz:

1864.....	\$554 66 $\frac{2}{3}$
1865.....	358 33 $\frac{1}{3}$
1866.....	860 62 $\frac{2}{3}$

The levy has not yet been made for the present year.

Very respectfully,

J. R. ROBERTSON,

Clerk.

COUNTY COMMISSIONERS' OFFICE,
DORCHESTER COUNTY,
Cambridge, Md., May 21, 1867.

Hon. R. B. CARMICHAEL,

President of the Constitutional Convention :

In reply to order of the Constitutional Convention, in regard to amounts levied by Dorchester County, as compensation for State's Attorney for the years 1864, '65, '66 and '67, as follows :

1864.....	\$836 00
1865.....	716 66
1866.....	1491 66
1867.....	1321 66
	<hr/>
	\$4365 98

Very respectfully, &c.,

JOHN T. JACKSON,
Clerk.

COUNTY COMMISSIONERS' OFFICE,
FREDERICK COUNTY,
Frederick, Md., May 20, 1867.

Hon. R. B. CARMICHAEL,

President of the Constitutional Convention :

Sir :—In response to the order passed by the Convention, requesting me to report the amounts levied as compensation for State's Attorney for the years 1864, '65, '66 and '67 :

Amounts levied in

1864.....	\$1647 49
1865.....	719 69
1866.....	1063 17
1867.....	608 19

Yours, respectfully,

EZRA SLEIFER,
Clerk.

COUNTY COMMISSIONERS' OFFICE,

HARFORD COUNTY,

Belair, May 10th, 1867.

Hon. R. B. CARMICHAEL,

President State Constitutional Convention :

In compliance with an order of the Convention, I herewith transmit a statement of the amounts levied for the State's Attorney, as follows :

For 1864.....	\$589 28
“ 1865.....	760 00
“ 1866.....	580 00

The levy for 1867 has not yet been made.

Respectfully submitted.

JOHN T. SPICER,

Clerk.

COUNTY COMMISSIONERS' OFFICE,

HOWARD COUNTY,

Ellicott City, May 17, 1867.

Hon. R. B. CARMICHAEL,

President Constitutional Convention :

Dear Sir:—I report to you monies levied and paid to State's Attorney, George W. Sands, out of the County funds:

1864.....	\$ 686 56
1865.....	791 56
1866.....	1,701 66
1867.....	1,496 66
	<hr/>
	\$4,676 44

Very respectfully,

DAVID FEELEMYER,

Clerk.

COUNTY COMMISSIONERS' OFFICE,

KENT COUNTY,

May 24, 1867.

Hon. R. B. CARMICHAEL,

President State Constitutional Convention:

Sir:—The amounts levied to the State's Attorney for this County were, in

1864.....	\$220 00
1865.....	120 00
1866.....	433 33
	<hr/>
	\$773 33

Respectfully,

JOHN RUSSELL,

Clerk.

COUNTY COMMISSIONERS' OFFICE,

MONTGOMERY COUNTY,

Rockville, May 21, 1867.

Hon. R. B. CARMICHAEL,

President Constitutional Convention:

Dear Sir:—Enclosed you will please find an answer to your order.

The State's Attorney received in

1864.....	\$168 26
1865.....	64 95
1866.....	539 93

He has not filed his account for the present year, but informed me it would be about \$1,000.

Very respectfully, yours,

JOS. A. TANEY,

Clerk.

COUNTY COMMISSIONERS' OFFICE,

PRINCE GEORGE'S COUNTY,

Upper Marlborough, May 20, 1867.

Hon. R. B. CARMICHAEL,

President Constitutional Convention:

Dear Sir:—In response to an order of the Constitutional

Convention, I report the levies by this county for State's Attorney, were as follows:

1864.....	\$ 872 00
1865.....	973 00
1866.....	2,615 00

The levy for 1867 has not yet been made.

Respectfully,

GEO. L. HERBERT,
Clerk.

COUNTY COMMISSIONERS' OFFICE,
QUEEN ANNE'S COUNTY,
Centreville, May 20, 1867.

Hon. R. B. CARMICHAEL,

President Constitutional Convention:

In reply to the order of the Convention, I have the honor to state that the amounts levied on Queen Anne's county for the compensation of the State's Attorney for said county in the years 1864, '65 and '66, are as follows:

1864.....	\$ 373 42
1865.....	1,091 66
1866.....	851 62

The account of the State's Attorney for the May term, 1867, of the Circuit Court, is \$721 00, but the same has not yet been acted on by the County Commissioners.

JAMES WOOTERS,
Clerk.

COUNTY COMMISSIONERS' OFFICE,
SOMERSET COUNTY,
Princess Anne, May 21st, 1867.

Hon. R. B. CARMICHAEL,

President Constitutional Convention:

Levied as compensation for the State's Attorney, A. C. Miles, in Somerset county, during the years

1864.....	\$114 96
1865.....	600 00
1866.....	659 92
	<hr/>
	\$1,374 88

1867, levy not yet declared.

By order,

CADMUS DASHIELL,
Clerk.

COUNTY COMMISSIONERS' OFFICE,

ST. MARY'S COUNTY,

Leonardtown, May 20, 1867.

Hon. R. B. CARMICHAEL,

President Constitutional Convention ;

Amount levied for State's Attorney in

1864	\$ 718 34
1865	861 66
1866	1000 00
1867	1067 00

Total	<hr/> \$3,647 00
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I hereby certify that the foregoing is correctly taken from the records of this office.

JAS. H. WILSON,
Clerk.

COUNTY COMMISSIONERS' OFFICE,

TALBOT COUNTY,

May 20, 1867.

Hon. R. B. CARMICHAEL,

President Constitutional Convention :

Sir :—Amount levied for State's Attorney in Talbot County, for the years

1864.....	\$1515 22
1865.....	1414 37
1866.....	1586 20

Respectfully,

M. G. FEDDERMAN,
Clerk.

COUNTY COMMISSIONERS' OFFICE,

WASHINGTON COUNTY,

May 20, 1867.

Hon. R. B. CARMICHAEL,

President Constitutional Convention :

Dear Sir :—The amount levied and paid to the State's
Attorney for the years

1864.....	\$717 71
1865.....	898 02
1866.....	1511 49

The levy for 1867 has not yet been made.

Respectfully submitted,

JOHN A. SMITH,

Clerk.

COUNTY COMMISSIONERS' OFFICE,

WORCESTER COUNTY,

May 20, 1867.

Hon. R. B. CARMICHAEL,

President Constitutional Convention :

The amount levied as compensation to the State's At-
torney for Worcester County, in

1864.....	\$273 30
1865.....	419 93
1866.....	363 35
1867 is not yet levied.	

JAMES S. JONES,

Clerk.

OFFICE CLERK CIRCUIT COURT,

ALLEGANY COUNTY,

Cumberland, May 20, 1867.

Hon. R. B. CARMICHAEL,

President Constitutional Convention:

Statement of the number of indictments found by the Grand Juries of Allegany County, Maryland, during the years 1864, 1865, 1866, and up to the close of the April term of said Court in the year 1867, and of the disposition made of the same:

Number of indictments Found.....	444
“ “ “ Quashed.....	10
“ “ “ Ruled Bad on Demurrer.....	14
“ “ “ Convictions.....	162
“ “ “ Acquittals.....	51
“ “ “ Dismissed, &c.....	129

The remaining 78 still remain upon the Docket, and are either continued till the next term or left back on the Docket by order of the State's Attorney.

MARYLAND,

ALLEGANY COUNTY, TO WIT:

I hereby certify the above to be truly taken from the Record of Proceedings of the Circuit Court for Allegany county, Maryland.

In testimony whereof I hereto set my hand and
L. S. affix the seal of said Court, this 20th day of May,
1867.

HORACE RESLEY,
Clerk.

A statement of the number of cases, Criminal, Civil and in Equity, which were tried at the several terms of the Circuit Court for Allegany county, during the years 1865 and 1866. The number of suits brought to and indictments found at said several terms during said years, and the number of Jury trials during each of said terms; the duration of the several terms of said Court, and the number of days the Petit Jury was in attendance during each term.

TERMS OF CIRCUIT COURT.	CAUSES TRIED.			SUITS BRO'T.		INDICTMENTS FOUND.	NO. OF JURY TRIALS.	DURATION OF TERM. NO. OF DAYS.	NO. OF DAYS PETIT JURY ATTENDED.
	CRIMINAL.	CIVIL.	IN EQUITY.	LAW.	EQUITY.				
January Term, 1865.....	15	21	16	36	13	.....	10	34	22
April Term, 1865.....	13	37	18	53	19	24	15	40	34
October Term, 1865.....	17	47	16	100	22	24	17	32	29
January Term, 1866.....	36	87	7	112	13	.....	22	56	52
April Term, 1866.....	48	111	11	109	16	76	33	48	41
October Term, 1866.....	39	94	5	134	9	107	17	37	32
EQUITY TERMS, (special.).....	.....	.....	.....	.....	.....	.....	.....	.....	.....
July Term, 1865.....	.....	.....	10	.....	14	.....	.....	.....	.....
July Term, 1866.....	.....	.....	9	.....	20	.....	.....	.....	.....

MARYLAND, ALLEGANY COUNTY, TO WIT:

I hereby certify the above to be truly taken from the Records of Proceedings of the Circuit Court for Allegany county, Md.

In testimony whereof, I hereto set my hand and affix the seal of said Court, this 18th day of May, A. D., 1867.



HORACE RESLEY,
Clerk.

OFFICE CLERK CIRCUIT COURT,
ANNE ARUNDEL COUNTY,
Annapolis, May 23, 1867.

Hon. R. B. CARMICHAEL,

President Constitutional Convention of Maryland:

The undersigned, Clerk of the Circuit Court for Anne Arundel county, in obedience to an order of the Constitutional Convention, passed the 15th inst., "that the Clerks of the Circuit Courts for this State be requested to furnish to this Convention a statement of the number of indictments found by the Grand Juries of their respective counties during the years 1864, '65, '66 and '67, and the disposition made of the same, so as to show how many have been quashed, how many ruled bad on demurrer, and how many convictions and acquittals have been had under the same," respectfully reports that at the April term, 1864, of the said Court, there were found—

Indictments	40
Quashed	4
Convicted	14
Acquitted	4
Continued	18

OCTOBER TERM, 1864.

Indictments	25
Quashed	1
Convicted	5
Acquitted	12
Continued	16

APRIL TERM, 1865.

Indictments	42
Convicted	20
Acquitted	6
Continued	16

OCTOBER TERM, 1865.

Indictments	64
Convicted	21
Acquitted	6
Continued	37

APRIL TERM, 1866.

Indictments	61
Convicted	27
Acquitted	9
Quashed	2
Continued	23

OCTOBER TERM, 1866.

Indictments	68
Convicted	34
Acquitted	18
Continued.....	26

APRIL TERM, 1867.

Indictments	49
Convicted	9
Acquitted	7
Ruled bad on demurrer	9
Ignored	2
Continued	22

All of which is respectfully submitted.

GEO. E. GAMBRILL,

Clerk.

OFFICE CLERK CIRCUIT COURT,

ANNE ARUNDEL COUNTY,

May 23, 1867.

Hon. R. B. CARMICHAEL,

President Constitutional Convention of Maryland :

The undersigned, Clerk of the Circuit Court for Anne Arundel county, in obedience to an order of the Constitutional Convention passed 15th inst., "that the Clerks of the several Courts of this State be requested to furnish this Convention with the following information, viz: the number of cases, criminal, civil, and in equity, which were tried at the several terms of the Circuit Courts held in their respective counties in the years 1865 and '66," respectfully reports that at the April term, 1865, there were brought—

Suits	68
Indictments	42
Jury Trials	7
Number of days Court in Session	21
Number of days Petit Jury in attendance....	17

OCTOBER TERM, 1865.

Suits	128
Indictments	64
Jury Trials	18
Number of days Court in Session	51
Number of days Petit Jury in attendance ...	51
Cases in Equity disposed of in 1865	18

APRIL TERM, 1866.

Suits	146
Indictments	61

Jury Trials	18
Number of days Court in Session	34
Number of days Petit Jury in attendance ...	32

OCTOBER TERM, 1866.

Suits	177
Indictments	68
Jury Trials	19
Number of days Court in Session	65
Number of days Petit Jury in attendance ...	65
Cases in Equity disposed of in 1866	31

All of which is respectfully submitted.

GEO. E. GAMBRILL,

Clerk.

OFFICE CLERK CIRCUIT COURT,

Baltimore, May 20, 1867.

Hon. R. B. CARMICHAEL,

President Maryland State Constitutional Convention :

Dear Sir :—In obedience to an order of your Honorable Body passed the 15th inst., the undersigned, Clerk of the Circuit Court of Baltimore City, most respectfully reports that said Court (having Equity jurisdiction only,) has held six terms in each of the years 1865 and '66, as embraced in your order, viz: commencing on the second Monday each of January, March, May, July, September and November in each of said years respectively. The duration of each of said terms continued from term to term. In the year 1865, at the January term, there were—

Suits	93
Tried and determined	52

MARCH TERM.

Suits	90
Tried and determined	81

MAY TERM.

Suits	95
Tried and determined	57

JULY TERM.

Suits	79
Tried and determined	52

SEPTEMBER TERM.

Suits	103
Tried and determined	69

NOVEMBER TERM.

Suits	77
Tried and determined	57
Total number of suits in 1865	537
Total tried and determined	368

JANUARY TERM, 1866.

Suits	96
Tried and determined	79

MARCH TERM.

Suits	109
Tried and determined	86

MAY TERM.

Suits	78
Tried and determined	64

JULY TERM.

Suits	72
Tried and determined	47

SEPTEMBER TERM.

Suits	93
Tried and determined	69

NOVEMBER TERM.

Suits	102
Tried and determined	76
Total suits for 1866	550
Total tried and determined	421
Aggregate number of suits for 1865 and 1866	1,087
Aggregate number tried and determined	789
Untried	298

This being a Court of Equity Jurisdiction only, there were no indictments found, and but one jury trial had, which was in the year 1865. In all causes of lunacy, or *non compos mentis*, a jury is summoned by order of this Court, and tried before the Sheriff of Baltimore City, and the verdict of said jury returned to this Court for its further action in the premises.

All of which is respectfully submitted.

SAMUEL M. EVANS,

Clerk.

OFFICE CLERK CIRCUIT COURT,

BALTIMORE COUNTY,

Towsontown, May 20, 1867.

Hon. R. B. CARMICHAEL,

President of the Maryland Constitutional Convention :

Sir :—In response to an order passed by the Convention on May 15th, 1867, I herewith transmit the information called for :

MARCH TERM, 1865.

Indictments	70
Criminal cases tried	12

MAY TERM.

Indictments	34
Criminal cases tried	8

AUGUST TERM.

Indictments	81
Criminal cases tried	26

DECEMBER TERM.

Indictments	86
Criminal cases tried	43

MARCH TERM, 1866.

Indictments	37
Criminal cases tried	15

MAY TERM.

Indictments	65
Criminal cases tried	11

AUGUST TERM.

Indictments	54
Criminal cases tried	19

DECEMBER TERM.

Indictments	79
Criminal cases tried	28

MARCH TERM, 1865.

Civil cases instituted	59
------------------------------	----

MAY TERM.

Civil cases instituted	42
------------------------------	----

AUGUST TERM.

Civil cases instituted	63
------------------------------	----

DECEMBER TERM.

Civil cases instituted	83
------------------------------	----

MARCH TERM, 1866.

Civil cases instituted 49

MAY TERM.

Civil cases instituted 67

AUGUST TERM.

Civil cases instituted 90

DECEMBER TERM.

Civil cases instituted 78

Number of Equity suits instituted in 1865 ... 81

" " " " " " 1866.. 102

MARCH TERM, 1865.

Number of Equity suits agreed 2

MAY TERM.

Equity suits dismissed 3

Decrees passed 5

AUGUST TERM.

Equity suits dismissed 3

Decrees passed 3

DECEMBER TERM.

Equity suits dismissed 3

MARCH TERM, 1866.

Equity suits dismissed 3

Decrees passed 6

MAY TERM.

Equity suits dismissed 5

Decrees passed 5

AUGUST TERM.

Equity suits dismissed 1

Decrees passed 8

DECEMBER TERM.

Decrees passed 1

MARCH TERM, 1865.

Civil cases tried by jury 1

Criminal cases 3

MAY TERM.

Civil cases tried by jury 5

Criminal cases 2

AUGUST TERM.

Civil cases tried by jury 4

Criminal cases 17

DECEMBER TERM.

Civil cases tried by jury 1

Criminal cases 17

MARCH TERM, 1866.

Civil cases tried by jury	5
Criminal cases	10

MAY TERM.

Civil cases tried by jury	10
Criminal cases	4

AUGUST TERM.

Civil cases tried by jury	9
Criminal cases	6

DECEMBER TERM.

Civil cases tried by jury	3
Criminal cases	18

MARCH TERM, 1865.

Number of days Court in session	29
Number of days Petit Jury in attendance ...	22

MAY TERM.

Number of days Court in session	35
Number of days Petit Jury in attendance ...	27

AUGUST TERM.

Number of days Court in session	52
Number of days Petit Jury in attendance ...	38

DECEMBER TERM.

Number of days Court in session	50
Number of days Petit Jury in attendance ...	47

MARCH TERM, 1866.

Number of days Court in session	50
Number of days Petit Jury in attendance ...	47

MAY TERM.

Number of days Court in session	36
Number of days Petit Jury in attendance ...	24

AUGUST TERM.

Number of days Court in session	47
Number of days Petit Jury in attendance ...	28

DECEMBER TERM.

Number of days Court in session	48
Number of days Petit Jury in attendance ...	34

OFFICE CLERK CIRCUIT COURT,
BALTIMORE COUNTY,
Towsontown, May 20, 1867.

Hon. R. B. CARMICHAEL,

President of the Constitutional Convention:

Sir:—In response to an order passed by the Convention on May 15th, 1867, I herewith transmit the information called for in the order.

In the year 1864 there were 283 indictments found in the Circuit Court for Baltimore County; 61 were tried, 39 convicted, 22 acquitted, stet entered in 100, 13 quashed, 71 submitted on plea of guilty, stet entered in 9 on payment of costs, 39 tried by jury, 12 removed, and 17 ignored.

In the year 1865 there were 271 indictments found, 89 were tried, 68 convicted, 21 acquitted, stet entered in 125, 4 quashed, 31 submitted on plea of guilty, stet entered in 6 on payment of costs, 39 tried by jury, and 16 removed.

In the year 1866 there were 235 indictments found, 73 were tried, 54 convicted, 19 acquitted, stet entered in 104, 2 quashed, 2 submitted on plea of guilty, stet on payment of costs in 19, 38 tried by jury, 27 removed, and 8 ignored.

In the year 1867, to May 15, there were 20 indictments found, 6 tried, 5 convicted, 1 acquitted stet entered in 10, and 4 tried by jury.

Respectfully submitted.

JOHN H. LONGNECKER,
Clerk.

OFFICE CLERK CIRCUIT COURT,
CALVERT COUNTY,
Prince Frederick Town, May 23, 1867.

Hon. R. B. CARMICHAEL,

President of the Constitutional Convention:

Sir:—In obedience to an order of your Honorable Body, I herewith furnish you a statement of the number of indictments found by the Grand Jury of this county during the years 1864, '65, '66 and '67, and the disposition made of the same, showing how many have been quashed, how many ruled bad on demurrer, and how many convictions and acquittals have been had under the same:

1864.

Indictments.....	18
Quashed.....	1
Ruled bad on demurrer.....	1
Convictions	2

1865.

Indictments.....	34
Convictions	8
Acquittals.....	3

1866.

Indictments	41
Quashed.....	1
Ruled bad on demurrer.....	4
Convictions	10
Acquittals.....	5

1867.

Indictments	18
Ruled bad on demurrer.....	1
Convictions.....	6

Which is respectfully submitted.

DENNIS B. M. DIXON,
Clerk.

OFFICE CLERK CIRCUIT COURT,
CALVERT COUNTY,

Prince Frederick, May 24, 1867.

Hon. R. B. CARMICHAEL,

President Constitutional Convention :

Sir :—In obedience to an order of your Honorable Body, I herewith furnish you with the following information, viz : the number of cases, Criminal, (exclusive of those furnished in a statement accompanying this,) Civil and in Equity, which were tried at the several terms of the Circuit Court for Calvert County, in the years 1865 and '66 ; also the number of suits brought, and the number of jury trials during each term, and also the number of days the Petit Jury were in attendance during each term :

MAY TERM, 1865.

Criminal cases.....	4
Civil cases.....	57
Suits brought.....	84
Jury trials.....	10

OCTOBER TERM, 1865.

Criminal cases.....	3
Civil cases.....	43
Suits brought.....	77
Jury trials.....	9

MAY TERM, 1866.

Criminal cases.....	1
Civil cases.....	72
Suits brought.....	89
Jury trials.....	9

25 Equity cases tried in 1865, and 8 in 1866, in which decrees were entered or otherwise disposed of.

OCTOBER TERM, 1866.

Criminal cases.....	8
Civil cases.....	68
Suits brought.....	37
Jury trials.....	9

MAY TERM, 1865.

Petit Jury in attendance..... 5 days.

OCTOBER TERM, 1865.

Petit Jury in attendance..... 6 days.

MAY TERM, 1866.

Petit Jury in attendance..... 6 days.

OCTOBER TERM, 1866.

Petit Jury in attendance.....12 days.

MAY TERM, 1865.

Court in session..... 5 days.

OCTOBER TERM, 1865.

Court in session..... 6 days.

MAY TERM, 1866.

Court in session..... 5 days.

OCTOBER TERM, 1866.

Court in session.....12 days.

Which is respectfully submitted.

DENNIS B. M. DIXON,

Clerk.

OFFICE CLERK CIRCUIT COURT,

CAROLINE COUNTY,

Denton, May 25, 1867.

Hon. R. B. CARMICHAEL,

President Constitutional Convention :

Sir:—In compliance with an order of your Honorable Body, passed 15th of May, 1867, the following report of number of

indictments found by the grand jury of Caroline county during the years 1864, '65, '66 and '67, and the disposition made of the same, is

Respectfully submitted.

ROB'T J. JUMP,
Clerk.

MARCH TERM, 1864.

Number of indictments.....	8
Number quashed.....	2
Number of convictions.....	2
Number of acquittals.....	2
Removed.....	2

OCTOBER TERM, 1864.

Number of indictments.....	6
Number of acquittals.....	3
Nolle Prosequi entered.....	1
Removed.....	2

MARCH TERM, 1865.

Number of indictments.....	1
Number of acquittals.....	1

OCTOBER TERM, 1865.

Number of indictments.....	2
Number of acquittals.....	1
Nolle Prosequi entered.....	1

MARCH TERM, 1866.

Number of indictments.....	8
Number of convictions.....	5
Number of acquittals.....	1
Removed.....	2

OCTOBER TERM, 1866.

Number of indictments.....	5
Number of convictions.....	1
Number of acquittals.....	2
Nolle Prosequi entered.....	2

MARCH TERM, 1867.

Number of indictments.....	2
Number of acquittals.....	2
None ruled bad on demurrer.	

OFFICE CLERK CIRCUIT COURT,

CAROLINE COUNTY,

Denton, Md., May 25, 1867.

Hon. R. B. CARMICHAEL,

President Constitutional Convention :

Sir:—In compliance with the order of your Honorable Body, passed on the 15th of May, 1867, I respectfully submit the following report of the number of cases tried at the several terms of the Circuit Court for Caroline county during the years 1865 and 1866, number of suits brought, number of jury trials, the duration of several terms and number of days the Petit Jury was in attendance, to wit:

MARCH TERM, 1865.

Number of cases tried.....	20
Number of suits brought.....	41
Number of presentments found.....	26
Number of Jury trials.....	6
Duration of term, days.....	15
Petit Jury attended, days.....	15

OCTOBER TERM, 1865.

Number of cases tried.....	12
Number of suits brought.....	62
Number of presentments found.....	14
Number of Jury trials.....	4
Duration of term, days.....	4
Petit Jury attended, days.....	4

MARCH TERM, 1866.

Number of cases tried.....	25
Number of suits brought.....	74
Number of presentments found.....	29
Number of Jury trials.....	10
Duration of term, days.....	16
Petit Jury attended, days.....	13

JULY TERM, 1866.

Number of cases tried.....	7
Number of suits brought.....	30

OCTOBER TERM, 1866.

Number of cases tried.....	22
Number of suits brought.....	56
Number of presentments found.....	14
Number of Jury trials.....	7
Duration of term, days.....	6
Petit Jury attended, days.....	6

Respectfully submitted.

ROB'T J. JUMP,
Clerk..

OFFICE CLERK CIRCUIT COURT,
CARROLL COUNTY,
May 20, 1867..

Original Cases instituted in the Law Docket to May Term, 1865.....	148
Original Cases instituted in the Law Docket to November Term, 1865.....	79
Original Cases instituted in the Law Docket to May Term, 1866.....	97
Original Cases instituted in the Law Docket to November Term, 1867.....	97

CRIMINAL CASES DOCKETED.

Indictments filed to May Term, 1865.....	90
“ “ November Term, 1865.....	40
“ “ May Term, 1866.....	75
“ “ November Term, 1866.....	64

BILLS OF COMPLAINT.

Petitions, &c., Docketed in Equity for the year 1865.....	60
“ “ “ “ 1866.....	48

APPEAL CASES

Docketed from Justices of the Peace, May Term, 1865....	16
“ “ “ Nov. Term, 1865....	20
Docketed from Justices of the Peace, May Term, 1866....	19
“ “ “ Nov. Term, 1866....	27

CASES TRIED

And disposed of at May Term, 1865.....	179
Cases Tried and disposed of at November Term, 1865.....	116
“ “ “ May Term, 1866.....	171
“ “ “ November Term, 1866.....	145

JURY TRIALS

In Cases at the May Term, 1865.....	12
“ November Term, 1865.....	9
“ May Term, 1866.....	23
“ November Term, 1866.....	16

NUMBER OF DAYS

Petit Jury was in attendance, May Term, 1865.....	18
“ “ “ November Term, 1865.....	12
“ “ “ May Term, 1866.....	24
“ “ “ November Term, 1866.....	17

WM. A. McKELLIP,

Clerk.

OFFICE CLERK CIRCUIT COURT,
 CECIL COUNTY,
Elkton, May 20, 1867.

Hon. R. B. CARMICHAEL,

President Constitutional Convention :

A Statement of the number of Indictments found by the Grand Juries of the Circuit Court for Cecil County, during the years 1864, 1865, 1866 and 1867, and the disposition made of the same.

1864.

Indictments found.....	46
Quashed.....	6
Ruled bad on Demurrer.....	0
Convictions.....	22
Acquittals.....	10
Ignored.....	1
Stetted.....	4
Removed.....	1
Off.....	2

1865.

Indictments found.....	41
Quashed.....	0
Ruled bad on Demurrer.....	0
Convictions.....	14
Acquittals.....	13
Ignored.....	1
Stetted.....	9
Removed.....	2
Off.....	2

1866.

Indictments found.....	67
Quashed.....	0
Ruled bad on Demurrer.....	0
Convictions.....	21
Acquittals.....	6
Ignored.....	0
Stetted.....	38
Removed.....	2
Off.....	0

1867.

Indictments found.....	24
Quashed.....	1
Ruled bad on Demurrer.....	0
Convictions.....	7
Acquittals.....	2

Ignored.....	0
Stetted.....	9
Removed.....	1
Off.....	0

OFFICE CLERK CIRCUIT COURT,

CECIL COUNTY,

Elkton, May 20, 1867.

Hon. R. B. CARMICHAEL,

President Constitutional Convention :

A Statement of the number of Civil Suits brought and Indictments found in the Circuit Court for Cecil County, at the several Terms thereof, in the years 1865 and 1866, as also the number of Cases tried and the attendance of the Petit Jury at said Terms.

FEBRUARY, 1865.

Indictments found.....	10
Civil Suits brought.....	54
Criminal Cases tried.....	4
Civil Cases tried.....	6
Jury Trials.....	5
Attendance of Petit Jury.....	9

APRIL, 1865.

Indictments found.....	3
Civil Suits brought.....	27
Criminal Cases tried... ..	3
Civil Cases tried.....	16
Jury Trials.....	8
Attendance of Petit Jury.....	7

SEPTEMBER, 1865.

Indictments found.....	28
Civil Suits brought.....	82
Criminal Cases tried.....	20
Civil Cases tried.....	21
Jury Trials.....	26
Attendance of Petit Jury.....	18

JANUARY, 1866.

Indictments found.....	26
Civil Suits brought.....	66
Criminal Cases tried.....	8
Civil Cases tried.....	5
Jury Trials.....	11
Attendance of Petit Jury.....	9

APRIL, 1866.

Indictments found.....	5
Civil Suits brought.....	67
Criminal Cases tried.....	3
Civil Cases tried.....	20
Jury Trials.....	12
Attendance of Petit Jury.....	9

SEPTEMBER, 1866.

Indictments found.....	36
Civil Suits brought.....	111
Criminal Cases tried.....	12
Civil Cases tried.....	12
Jury Trials.....	16
Attendance of Petit Jury.....	12

OFFICE CLERK CIRCUIT COURT,

CHARLES COUNTY,

May 18, 1867.

Hon. R. B. CARMICHAEL,

President Constitutional Convention :

A statement of the number of Indictments found by the Grand Jury for Charles County during the years 1864, '65, '66 and '67, and the disposition made of the same.

MAY TERM, 1864.

Indictments found.....	4
Criminal Cases brought forward from former Docket.....	28
Stets entered.....	8
Tried.....	8
Found guilty	8
Not guilty confessed by State.....	1

DECEMBER TERM, 1864.

Indictments found.....	9
Cases continued from former Docket.....	14
Stets entered.....	1
Tried.....	5
Found guilty.....	4
Not guilty.....	1

MAY TERM, 1865.

Indictments found.....	5
Cases continued from former Docket.....	16
Stets entered.....	5
Tried.....	6

Guilty.....	4
Not guilty.....	2
Indictments Quashed on Demurrer.....	2

DECEMBER TERM, 1865.

Indictments found.....	15
Cases brought forward from former Docket.....	17
Stets entered.....	00
Off.....	2
Stetted by paying cost.....	1
Tried.....	11
Found guilty.....	7
Not guilty.....	4

MAY TERM, 1866.

Indictments found.....	19
Stets entered.....	1
Tried.....	7
Found guilty.....	6
Not guilty.....	1
Not guilty confessed by State.....	2
Returned <i>Ignoramus</i>	1

OCTOBER TERM, 1866.

Indictments found.....	22
Cases continued from former Docket.....	24
Tried.....	19
Found guilty.....	14
Not guilty.....	5

MAY TERM, 1867.

Indictments found.....	12
Continued from former Docket.....	32
Tried.....	11
Found guilty.....	7
Not guilty.....	4
Off by consent of State.....	2
Error.....	1

STATE OF MARYLAND,

CHARLES COUNTY, TO WIT :

I, George A. Hunt, Clerk of the Circuit Court for Charles county, hereby certify that the foregoing list is true as stated.

{ SEAL. } In testimony whereof I hereto subscribe my name, and affix the seal of the Circuit Court for Charles county, this 15th day of May, 1867.

GEORGE A. HUNT,

Clerk.

OFFICE CLERK CIRCUIT COURT,

CHARLES COUNTY,

May 18th, 1867.

The number of Civil Cases disposed of by trial at May	
Term, 1865.....	60
December Term, 1865.....	98
May Term, 1866.....	99
October Term, 1866.....	66
The number of Equity cases brought in the years 1865	
and 1866 is.....	43

STATE OF MARYLAND,

CHARLES COUNTY, TO WIT:

I, George A. Hunt, Clerk of the Circuit Court for Charles county, hereby certify that the foregoing statement is truly taken from the Dockets on file in this office.

In testimony whereof I hereto subscribe my name and affix the seal of said Court, this 18th day of May, in the year 1867.

GEORGE A. HUNT,

Clerk.

OFFICE CLERK CIRCUIT COURT,

DORCHESTER COUNTY,

May 20, 1867.

Hon. R. B. CARMICHAEL,

President Constitutional Convention:

Indictments found during the year 1864.....	65
“ “ “ 1865.....	96
“ “ “ 1866.....	86
“ “ “ 1867.....	33

1864.

Indictments quashed.....	7
“ ruled bad on demurrer.....	2
Convictions	32
Acquittals.....	22
Cases stotted.....	13

1865.

Indictments quashed.....	1
Convictions	29
Acquittals.....	29
Cases stotted.....	7

1866.

Indictments quashed.....	4
“ ruled bad on demurrer.....	10
Convictions	39
Acquittals.....	44
Cases stetted.....	8

1867.

Indictments quashed.....	1
Convictions	20
Acquittals.....	25

The following were omitted in the previous statement transmitted, to-wit:

Petit jurors in attendance at April term, 1865.....	20 days.
“ “ Nov. “	10 “
“ “ April term, 1866.....	27 “
“ “ Nov. “	20 “

Test:

FRANCIS J. HENRY,
Clerk.

OFFICE CLERK CIRCUIT COURT,
DORCHESTER COUNTY,
May 20th, 1867.

Hon. R. B. CARMICHAEL,

President Constitutional Convention:

*Cases tried, &c., in the Circuit Court for Dorchester County,
during the years 1865 and 1866.*

JANUARY TERM, 1865.

Criminal cases tried.....	16
Civil cases tried.....	32
Civil suits brought.....	41
Equity cases tried.....	6
Equity suits brought	4
Duration of term, (there being no jury).....	5 days.

APRIL TERM, 1865.

Criminal cases tried.....	21
Indictments found.....	39
Civil cases tried.....	78
Civil suits brought	68
Equity cases tried.....	4

Equity suits brought	5
Jury trials.....	9
Duration of term.....	25 days.

JULY TERM, 1865.

Criminal cases tried.....	8
Civil cases tried.....	44
Civil suits brought.....	66
Equity cases tried.....	4
Equity suits brought.....	8
Duration of term, (there being no Jury).....	2 days.

NOVEMBER TERM, 1865.

Criminal cases tried.....	29
Indictments found.....	60
Civil cases tried.....	66
Civil suits brought.....	60
Equity cases tried.....	5
Equity suits brought	5
Jury trials.....	4
Duration of term.....	9 days.

JANUARY TERM, 1866.

Criminal cases tried.....	24
Civil cases tried.....	53
Civil suits brought	45
Equity cases tried.....	3
Duration of term (there being no Jury)	7 days.

APRIL TERM, 1866.

Criminal cases tried.....	47
Indictments found.....	51
Civil cases tried.....	102
Civil suits brought.....	107
Equity cases tried... ..	5
Equity suits brought.....	15
Jury trials.....	14
Duration of term.....	39 days.

JULY TERM, 1866.

Criminal cases tried.....	24
Civil cases tried.....	58
Civil suits brought.....	46
Equity cases tried.....	8
Equity suits brought	5
Duration of term, (there being no Jury).....	3 days.

NOVEMBER TERM, 1866.

Criminal cases tried.....	25
Indictments found.....	35
Civil cases tried.....	63
Civil suits brought.....	97
Equity cases tried.....	4
Equity suits brought.....	11
Jury trials.....	7
Duration of term.....	13 days.

Test :

FRANCIS J. HENRY,
Clerk.

OFFICE CLERK CIRCUIT COURT,
FREDERICK COUNTY,
Frederick, May 11, 1867.

Hon. R. B. CARMICHAEL,

President Constitutional Convention :

In compliance with your order of the 15th instant, received at this office, requesting information as to the number of indictments, &c., I beg leave to report as follows :

Number of indictments found at	
February Term, 1864.....	59
October Term, 1864.....	32
	— 91
February Term, 1865.....	36
October Term, 1865.....	67
	—103
February Term, 1866.....	36
October Term, 1866.....	84
	—120
February Term, 1867.....	18

Which were disposed of as follows : Of the 91 cases in 1864, 74 were continued, 1 ignored, 7 not guilty, 9 guilty, and 2 removed ; and of the 74 continued as above, 22 were finally stteted, 1 removed, 11 guilty, 22 quashed, 14 not guilty, 1 abated by death, and 3 continued. Of the 103 cases in 1865, 77 were continued, 12 guilty, 2 stteted, 7 not guilty, 1 ignored, 3 acquitted, and 1 removed. Of the 77 continued as above, 6 were finally settled, 1 abated by death, 1 not guilty on demurrer, 31 not guilty, 10 quashed, 20 guilty, 4 re-

moved, and 4 continued. Of the 120 cases in 1866, 98 were continued, 12 guilty, 3 not guilty, 1 ignored, 1 stetted, 4 quashed, 1 demurrer, ruled good; and of the 98 continued as above, 11 were not guilty, 11 stetted, 14 quashed, 6 guilty, and 56 continued.

Of the 18 cases, (to the one term) February Court, 1867, all were continued.

I believe the above as near correct as can be made, and trust it may prove satisfactory.

I am, very respectfully,

Yours, &c.,

DANIEL S. BISER,

Clerk.

OFFICE CLERK CIRCUIT COURT,

HARFORD COUNTY,

Bellair, May 20, 1867.

Hon R. B. CARMICHAEL,

President of the Constitutional Convention :

Sir:—In compliance with an Order of the Convention, passed 15th May, 1867, I have the honor to report that there were 62 indictments found in the Circuit Court for Harford County during the year 1864; 22 convictions, 20 acquitted, one quashed by consent, 18 stetted, and 7 removed. In 1865 there were 58 indictments found; 19 convictions, 14 acquitted, 1 ruled bad on demurrer, 17 stetted, and 7 removed. In 1866, there were 72 indictments found, 20 convictions, 33 acquittals, 5 stetted, and 14 removed. In 1867, there were 19 indictments found, 1 conviction, 5 acquittals, 3 stetted, and 1 removed—the balance remain on the Docket.

I have the honor to be, very respectfully,

Your obedient servant,

W. H. DALLAM,

Clerk.

OFFICE CLERK CIRCUIT COURT,

Bellair, May 18, 1867.

Hon. R. B. CARMICHAEL,

President Constitutional Convention:

Sir:—In compliance with an order of the Convention, passed 15th May, 1867, I have the honor to make the following report:

FEBRUARY TERM, 1865.

Criminal cases tried.....	10
Civil cases tried.....	10
Equity cases tried.....	7
Suits brought.....	30
Indictments found.....	10
Jury trials.....	7
Duration of term, days.....	5
Petit Jury attended, days.....	5

MAY TERM, 1865.

Criminal cases tried.....	12
Civil cases tried.....	37
Equity cases tried.....	11
Suits brought.....	31
Indictments found.....	15
Jury trials.....	9
Duration of term, days.....	17
Petit Jury in attendance, days.....	16

NOVEMBER TERM, 1865.

Criminal cases tried.....	17
Civil cases tried.....	74
Equity cases tried.....	10
Suits brought.....	84
Indictments found.....	33
Jury trials.....	14
Duration of term, days.....	17
Petit Jury in attendance, days.....	15

FEBRUARY TERM, 1866.

Criminal cases tried.....	20
Civil cases tried.....	52
Equity cases tried.....	9
Suits brought.....	32
Indictments found.....	18
Jury trials.....	9
Duration of term, days.....	13
Petit Jury in attendance, days.....	10

MAY TERM, 1866.

Criminal cases tried.....	7
Civil cases tried.....	44
Equity cases tried.....	8
Suits brought.....	44
Indictments found.....	9
Jury trials.....	17
Duration of term, days.....	23
Petit Jury in attendance, days.....	20

NOVEMBER TERM, 1866.

Criminal cases tried.....	10
Civil cases tried.....	43
Equity cases.....	8
Suits brought.....	88
Indictments found.....	45
Jury trials.....	9
Duration of term, days.....	10
Petit Jury in attendance, days.....	9

TOTAL.

Criminal cases tried in 1865 and '66.....	76
Civil " ".....	260
Equity " ".....	53
Suits brought ".....	309
Indictments found ".....	130
Jury trials ".....	65
Days, duration of term ".....	27
Days, Petit Jury in attendance in '65 and '66.....	75

Respectfully, yours,

W. H. DALLAM,
Clerk.

OFFICE CLERK CIRCUIT COURT,

HOWARD COUNTY,

Ellicott City, May 17, 1867.

Hon. R. B. CARMICHAEL,

President of the Constitutional Convention :

In compliance with order just received from the Secretary of the Convention, I have the honor to submit the annexed report:

The Grand Juries for Howard County, during the series of

years embraced in the foregoing order, have found one hundred and forty-nine indictments, which have been disposed of in the following manner :

Convicted	61
Acquitted	25
Cases stetted	25
Quashed	13
Removed on suggestion and affidavit	17
Remaining on docket for trial	18
	—159

All of which is respectfully submitted.

W. W. WATKINS,
Clerk.

OFFICE CLERK CIRCUIT COURT,
HOWARD COUNTY,
Ellicott City, May 17, 1867.

HON. R. B. CARMICHAEL,

President of the Constitutional Convention :

Sir :—I have the honor in obedience to order to submit for the use of the Constitutional Convention the accompanying report :

There were held eight terms of the Circuit Court for Howard County at the Court House in Ellicott's Mills, embracing the years 1865 and '66, four Equity and four Law Terms.

The first, a Law Term, commenced on the third Monday of March, 1865, and the Petit Jury was in attendance 16 days.

There were 22 original suits brought to this term on the appearance docket ; 29 Civil cases were disposed of on the trial docket, only one of which was tried by a jury.

The criminal indictments found at this term by the Grand Jury were 9.

The criminal cases tried and disposed of were 29, two of which were jury trials.

SEPTEMBER TERM, 1865.

The appearance docket contained 35 cases.

The Civil trials amounted to 40 cases, three of which were jury trials.

38 indictments were found by the Grand Jury, and the

criminal trials amounted to 41, seven of which were jury trials.

MARCH TERM, 1866.

Number of cases on original Docket.....	54
Civil cases disposed of.....	42
Tried by jury.....	2
Number of Indictments by Grand Jury.....	23
Criminal trials.....	32
Criminal trials by jury.....	1

SEPTEMBER TERM.

Number of cases on original Docket.....	52
Civil trials.....	28
Civil trials by jury.....	8
Indictments by Grand Jury.....	48
Criminal trials.....	36
Criminal trials by jury.....	6

The Petit Jury was in attendance as follows. These days indicate the duration of the Court at the several terms :

March term, 1865.....	16 days.
September term, 1865.....	32 days.
March term, 1866.....	11 days.
September term, 1866.....	26 days.

Equity suits brought as follows :

To March term, 1865.....	4
To July term, 1865.....	4
To September term, 1865.....	6
To December term, 1865.....	4
To March term, 1866.....	3
To July term, 1866.....	16
To September term, 1866.....	9
To December term, 1866.....	5
Whole number of suits brought on the Equity Docket for the two years embraced in the orders.....	51

All of which is respectfully submitted.

W. W. WATKINS,

Clerk.

OFFICE CLERK CIRCUIT COURT,

KENT COUNTY,

Chestertown, May 20, 1867.

Hon. R. B. CARMICHAEL,

President State Constitutional Convention :

Sir :—I have the honor to acknowledge the receipt of yours

of the 15th, enclosing a copy of order of the Convention...
and in reply would submit the following statement :

1864.

Presentments.....	50
Indictments.....	11
Convictions.....	8
Acquittals.....	8

1865.

Presentments.....	58
Indictments.....	15
Convictions.....	26
Acquittals.....	15

1866.

Presentments.....	60
Indictments.....	17
Convictions.....	28
Acquittals.....	21

APRIL TERM, 1867.

Presentments.....	30
Indictments.....	18
Convictions.....	9
Acquittals.....	3

Yours, &c.,

JESSE K. HINES,
Clerk.

OFFICE CLERK CIRCUIT COURT,

KENT COUNTY,

Chestertown, May 17, 1867.

Hon. R. B. CARMICHAEL,

President of the Constitutional Convention :

Dear Sir :—In obedience to the order passed by your Hon-
orable Body, I have the honor to report as follows :

JANUARY TERM, 1865.

Equity suits brought.....	2
Duration of Term, days.....	1

APRIL TERM, 1865.

Civil cases.....	1
Criminal.....	16
Equity suits brought.....	8
Civil " "	108
Indictments	28
Jury Trials.....	1
Duration of Term, days.....	5
Petit Jury in attendance, days	5

JULY TERM, 1865.

Equity suits brought.....	1
Duration of Term, days	1

OCTOBER TERM, 1865.

Civil cases.....	1
Criminal.....	27
Equity suits brought	12
Civil " "	143
Indictments found	27
Jury Trials.....	11
Duration of Term, days.....	13
Petit Jury in attendance, days.	13

JANUARY TERM, 1866.

Equity cases brought.....	3
Duration of Term, days.....	1

APRIL TERM, 1866.

Civil cases.....	9
Criminal	36
Equity suits brought.....	9
Civil " "	171
Indictments found	38
Jury Trials.....	14
Duration of Term, days.....	15
Petit Jury in attendance, days.	15

JULY TERM, 1866.

Equity suits.....	1
Equity suits brought.....	4
Duration of Term.....	1

OCTOBER TERM, 1866.

Civil cases.....	1
Criminal.....	16
Equity suits brought.....	12
Civil " "	198
Indictments found	17

Jury Trials.....	5
Duration of Term, days.....	9
Petit Jury in attendance, days.	8

All of which is respectfully submitted.

JESSE K. HINES,
Clerk.

OFFICE CLERK CIRCUIT COURT,
MONTGOMERY COUNTY,
May 20, 1867.

Hon. R. B. CARMICHAEL,

President Constitutional Convention :

Statement of the number of indictments found by the Grand Jury for Montgomery County, during the years 1864, '65, '66 and '67, and of the disposition made of the same :

1864.

Number of indictments found.....	22
“ stetted.....	9
“ convictions.....	5
“ acquittals.....	8

1865.

Number of indictments found.....	21
“ stetted	7
“ removed	1
“ abated.....	1
“ convictions.....	5
“ acquittals	6
“ not yet disposed of.....	1

1866.

Number of indictments found.....	73
“ stetted.....	22
“ removed	6
“ quashed.....	5
“ ruled bad on demurrer.....	1
“ convictions.....	29
“ acquittals	4
“ not yet disposed of.....	6

FEBRUARY TERM, 1867.

Number of indictments found.....	19
“ quashed.....	1

Number of convictions.....	8
“ acquittals	5
“ not yet disposed of.....	5

STATE OF MARYLAND,

MONTGOMERY COUNTY, SCT:

I hereby certify that the foregoing statement is truly made from the dockets of the Circuit Court for said county.

{ SEAL. } In testimony whereof, I hereto set my hand and affix the seal of said Court, this 20th day of May, 1867.

E. B. PRETTYMAN,

Clerk.

OFFICE CLERK CIRCUIT COURT,
MONTGOMERY COUNTY,

May 18, 1867.

Hon. R. B. CARMICHAEL,

President Constitutional Convention :

A Statement of the number of cases, Criminal, Civil and in Equity, which were tried at the several Terms of the Circuit Court for Montgomery county, in the years 1865 and 1866, of the number of Suits brought and Indictments found in said Court during said years; of the number of Jury Trials at said Terms; of the duration of the several Terms during said years, and of the number of days the Petit Jury was in attendance during each Term.

FEBRUARY TERM, 1865.

Equity Trials.....	30
Suits brought.....	39
Duration of Term, days.....	6
Criminal Trials.....	5
Suits brought.....	11
*Civil Trials.....	101
Suits brought.....	105
Jury Trials.....	12
Duration of Term, days.....	11
Petit Jury in attendance, days.....	10

AUGUST TERM, 1865.

Criminal Trials.....	6
Suits brought.....	10

Jury Trials.....	2
*Civil Trials.....	87
Suits brought.....	104
Jury Trials.....	1
Duration of Term, days.....	12
Petit Jury in attendance, days.....	10

FEBRUARY TERM, 1866.

Equity Trials.....	39
Suits brought.....	33
Duration of term, days.....	7
Jury Trials.....	4
Criminal trials.....	16
Suits brought.....	33
*Civil Trials.....	102
Suits brought.....	115
Jury Trials.....	9
Duration of Term, days.....	12
Petit Jury in attendance, days.....	12

AUGUST TERM, 1866.

Criminal Trials.....	23
Suits brought.....	40
Jury Trials.....	7
*Civil Trials.....	76
Suits brought.....	117
Jury Trials.....	2
Duration of Term, days.....	17
Petit Jury in attendance, days.....	15

* The number of cases on Trial Docket finally disposed of.

STATE OF MARYLAND,

MONTGOMERY COUNTY, SCT:

I hereby certify that the foregoing statement is truly made out from the Dockets of the Circuit Court for said county.



In testimony whereof I hereto set my hand and affix the seal of said Court, this 20th day of May, 1867.

E. B. PRETTYMAN,

Clerk.

OFFICE CLERK CIRCUIT COURT,
PRINCE GEORGE'S COUNTY,
Upper Marlborough, May 25, 1867.

Hon. R. B. CARMICHAEL,

President Constitutional Convention:

Dear Sir :—I have the honor to make the following Report :

APRIL TERM, 1865.

Criminals tried.....	93
Civil suits tried.....	334
Indictments found.....	25
New suits brought.....	250
Jury trials.....	19
Duration of term, days.....	20
Petit Jury in attendance, days....	13

NOVEMBER TERM, 1865.

Criminals tried.....	110
Civil suits tried.....	435
Indictments found.....	38
New suits brought.....	416
Jury trials.....	27
Duration of term, days.....	27
Petit Jury in attendance, days.....	22

APRIL TERM, 1866.

Criminals tried.....	75
Civil suits tried.....	393
Indictments found.....	42
New suits brought.....	405
Jury trials.....	15
Duration of term, days.....	22
Petit Jury in attendance, days.....	15

NOVEMBER TERM, 1866.

Criminals tried.....	85
Civil suits tried.....	322
Indictments found.....	20
New suits brought.....	360
Jury trials.....	13
Duration of term, days.....	25
Petit Jury in attendance, days....	18

TOTAL.

Criminals tried.....	363
Civil suits tried.....	1484
Indictments found.....	125
New suits brought.....	1431
Jury trials.....	74
Duration of term, days.....	94
Petit Jury in attendance, days..	68

51 Equity suits brought during the year 1865.
 45 “ “ “ 1866.

No record is kept of the number of Equity suits argued and tried.

Test:

FRED. SASSCER,
 Clerk.

OFFICE CLERK CIRCUIT COURT,
 PRINCE GEORGE'S COUNTY,
Upper Marlborough, May 25, 1867.

Hon. R. B. CARMICHAEL,
President of the Constitutional Convention:

Dear Sir :—I have the honor to make the following Report :

Report of Indictments found by the Grand Juries of Prince George's County, during the years 1864, '65, '66, '67, and the disposition made of the same :

APRIL TERM. 1865.

Indictments found.....	25
Convicted.....	2
Sent to jail.....	1
Fined.....	1
Continued	23

NOVEMBER TERM, 1865.

Indictments found.....	38
Convicted.....	13
Fined.....	1

Continued.....	18
Sent to Penitentiary.....	12
Acquitted.....	6
Died in jail.....	1

APRIL & SEPT. TERM, 1866.

Indictments found.....	39
Sent to jail.....	2
Fined	1
Continued.....	10
Sent to Penitentiary.....	18
Acquitted.....	3
Sentenced to be hung.....	5
Since pardoned.....	2

Nov. TERM, 1866.

Indictments found.....	15
Sent to Penitentiary.....	6
Ignored by Grand Jury.....	2
Discharged	2

APRIL TERM, 1867.

Indictments found.....	4
------------------------	---

No term of Court held in 1864, and no criminal cases yet tried in 1867.

Test:

FRED. SASSCER,
Clerk.

OFFICE CLERK CIRCUIT COURT,
QUEEN ANNE'S COUNTY,

May 20, 1867.

Hon. R. B. CARMICHAEL,

President Constitutional Convention ;

A statement showing the number of Indictments found by the Grand Inquest of the State of Maryland, for Queen Anne's County, during the years 1864, 1865, 1866 and 1867, and the disposition made of the same.

MAY TERM, 1864.

Indictments found.....	12
Quashed.....	1
Convictions on Indictments....	6
Acquittals.....	5

NOVEMBER TERM, 1864.

Indictments found.....	4
Convictions on Indictments....	4

MAY TERM, 1865.

Indictments found.....	17
Convictions on Indictments....	9
Acquittals.....	3
Discontinued.....	2
Removed.....	3

NOVEMBER TERM, 1865.

Indictments found.....	27
Convictions on Indictments....	13
Acquittals.....	6
Discontinued.....	7
Now on Docket.....	1

MAY TERM, 1866.

Indictments found.....	20
Convictions on Indictments....	7
Acquittals.....	4
Discontinued.....	5
Removed.....	1
Now on Docket.....	2
Ignored.....	1

NOVEMBER TERM, 1866.

Indictments found.....	24
Quashed.....	1
Ruled bad on demurrer.....	4
Convictions on Indictments....	6
Acquittals.....	5
Discontinued.....	1
Removed.....	1
Now on Docket.....	2
Ignored.....	3
Nolle Pros.....	1

MAY TERM, 1867.

Indictments found.....	22
Convictions on Indictments....	5

Acquittals	2
Discontinued	1
Removed.....	3
Now on Docket.....	8
Ignored.....	3

I hereby certify that the foregoing is a true statement extracted from the records of the proceedings of the Circuit Court for Queen Anne's county.

Test:

SAMUEL E. DYOTT,

Clerk.

OFFICE CLERK CIRCUIT COURT,

QUEEN ANNE'S COUNTY,

May 20, 1867.

HON. R. B. CARMICHAEL,

President of the Constitutional Convention:

A statement showing the number of cases, criminal, civil and equity, which were tried at the several terms of the Circuit Court for Queen Anne's County, held in said county during the years 1865 and 1866, the number of suits brought and Indictments found in said Court during the period aforesaid, the number of Jury Trials during each of said Terms, the duration of said several Terms, and the number of days that the Petit Jury was in attendance during each Term.

MAY TERM, 1865.

Criminal cases tried.....	24
Civil " "	3
Equity cases closed.....	3
Civil suits.....	95
Indictments.....	17
Jury Trials.....	12
Duration of Term, days.....	14
Petit Jury in attendance, days.....	12

NOVEMBER TERM, 1865.

Criminal cases tried.....	36
Civil " "	3
Equity cases closed.....	9

Civil suits.....	85
Indictments.....	27
Jury trials.....	17
Duration of Term, days.....	18
Petit Jury in attendance, days.....	15

MAY TERM, 1866.

Criminal cases tried.....	55
Civil “ “	8
Equity cases closed.....	2
Civil suits.....	151
Indictments.....	20
Jury Trials.....	20
Duration of Term, days.....	26
Petit Jury in attendance, days.....	18

NOVEMBER TERM, 1866.

Criminal cases tried.....	28
Civil “ “	9
Equity suits closed.....	7
Civil suits.....	186
Indictments.....	24
Jury trials.....	15
Duration of Term, days.....	13
Petit Jury in attendance, days.....	12

I hereby certify that the above is truly extracted from the proceedings of the Circuit Court for Queen Anne's county.

Test:

SAMUEL E. DYOTT,

Clerk.

OFFICE CLERK CIRCUIT COURT,

SOMERSET COUNTY,

May 24, 1867.

Hon. R. B. CARMICHAEL,

President Constitutional Convention:

In obedience to the order of the Convention, dated fifteenth day of May, 1867, I have the honor to report to your Honorable Body the number of presentments and indictments found by the Grand Jury in Somerset County, during

the years 1864, '65, '66 and '67, and the disposition of the same, as follows :

Presentments and indictments found	1864...46
“ “ “	1865...75
“ “ “	1866...68
“ “ “	1867
(April Term).....	15
Total	—204

of which the following is the disposition, to wit :

Convictions on trial.....	44
Acquittals on trial and demurrer.....	57
Entered “stet”.....	57
Quashed on motion of State’s Attorney.....	10
Overruled on demurrer.....	2
Otherwise disposed of.....	12
Still pending and undecided.....	22
	—204

Respectfully submitted,

WM. WOOLFORD,
Clerk.

OFFICE CLERK CIRCUIT COURT,

SOMERSET COUNTY,

Princess Anne, May 23, 1867.

Hon. R. B. CARMICHAEL,

President Constitutional Convention :

In obedience to the order of the Convention dated May 15th, 1867, the undersigned, Clerk of the Circuit Court for Somerset County, begs leave respectfully to report the number of cases Civil, Criminal and in Equity, which were tried at the several terms of the Circuit Court for Somerset County, in the years 1865 and 1866, the number of suits brought and Indictments found in said Court within the said years, the number of Jury Trials, the duration of the several terms of the Court, and the number of days the Petit Jury was in session at said several Terms, as follows :

JANUARY TERM, 1865.

Civil cases brought.....	24
Chancery cases brought.....	8

Court in session, days.....	3
Civil cases tried or adjudicated.....	11
Civil cases settled or otherwise disposed of.....	5
Criminal cases tried.....	3
Criminal causes entered "stet".....	5
Chancery causes tried or adjudicated.....	6

APRIL TERM, 1865.

Civil cases brought.....	37
Chancery cases brought.....	17
Indictments found.....	40
Session of Court, days.....	11
Petit Jury in session, days.....	11
Civil cases tried or adjudicated.....	34
Civil cases settled or otherwise disposed of.....	10
Criminal cases tried.....	9
Criminal cases entered "stet".....	6
Chancery cases tried or adjudicated.....	11
Jury trials.....	9

JULY TERM, 1865.

Civil cases brought.....	88
Chancery cases brought.....	11
Session of the Court.....	6
Civil cases tried or adjudicated.....	58
Civil cases settled or otherwise disposed of.....	17
Criminal cases tried.....	6
Criminal cases entered "stet".....	1
Indictments or presentments quashed....	4
Chancery causes tried or adjudicated....	7

OCTOBER TERM, 1865.

Civil cases brought.....	52
Chancery cases brought.....	9
Presentments or indictments found.....	35
Session of the Court, days.....	12
Petit Jury in session, days.....	8
Civil cases tried or adjudicated.....	72
Civil cases settled or otherwise disposed of.....	5
Criminal cases tried.....	4
Criminal cases entered "stet".....	3
Indictments or presentments quashed....	2
Criminal cases otherwise disposed of....	2
Chancery cases tried or adjudicated.....	7
Jury trials.....	13

JANUARY TERM, 1866.

Civil cases brought.....	114
Chancery cases brought.....	6

Session of the Court, days.....	6
Civil cases tried or adjudicated.....	55
Civil cases settled or otherwise disposed of.....	19
Criminal cases tried.....	4
Criminal cases entered "stet".....	2
Indictments or presentments quashed..	1
Chancery cases tried or adjudicated.....	4

APRIL TERM, 1866.

Civil cases brought.....	102
Chancery cases brought.....	15
Presentments or indictments found.....	49
Sessions of the Court, days.....	16
Petit Jury in attendance, days.....	15
Civil cases tried or adjudicated.....	83
Civil cases settled or otherwise disposed of.....	18
Criminal cases tried.....	18
Criminal cases entered "stet".....	11
Presentments or indictments quashed..	2
Indictments ignored.....	2
Criminal causes otherwise disposed of..	3
Chancery causes tried or adjudicated...	8
Jury trials.....	27

JULY TERM, 1866.

Civil cases brought.....	72
Chancery cases brought.....	11
Sessions of the Court, days.....	5
Civil cases tried or adjudicated.....	61
Civil cases settled or otherwise disposed of.....	17
Criminal cases tried.....	4
Civil cases entered "stet".....	8
Presentments or indictments quashed..	1
Presentments or indictments otherwise disposed of.....	2
Chancery cases tried or adjudicated.....	11

OCTOBER TERM, 1866.

Civil cases brought.....	118
Chancery cases brought.....	11
Presentments or indictments found.....	19
Sessions of the Court, days.....	15
Petit Jury in session, days.....	15
Civil cases tried or adjudicated.....	90
Civil cases settled or otherwise disposed of.....	11
Criminal cases tried.....	12
Criminal cases entered "stet".....	3
Indictments ignored.....	2

Chancery cases tried or adjudicated.....	7
Jury trials.....	3

TOTAL.

Civil cases brought.....	607
Cases adjudicated.....	466
Settled or otherwise disposed of.....	102
Pending and undecided.....	39
Jury trials.....	52

Respectfully submitted,

WM. WOOLFORD,

Clerk.

OFFICE CLERK CIRCUIT COURT,

ST. MARY'S COUNTY,

May 20, 1867.

Hon. R. B. CARMICHAEL,

President Constitutional Convention :

Sir :—In compliance with the order of your Honorable Body, passed on the 15th of May, 1867, I most respectfully report as follows :

MARCH TERM, 1865.

Criminal cases tried.....	43
Civil cases tried.....	148
Civil suits brought.....	150
Criminal cases on docket.....	62
Indictments found.....	5
Jury trials.....	13
Petit Jury in attendance, days.....	13

NOVEMBER TERM, 1865.

Criminal cases tried.....	68
Civil cases tried.....	131
Civil suits brought.....	245
Criminal cases on docket.....	98
Indictments found.....	23
Jury Trials.....	10
Petit Jury in attendance, days.....	9

RECAPITULATION FOR THE YEAR 1865.

Criminal cases tried.....	111
Civil cases tried	279
Civil suits brought.....	395
Criminal cases on docket.....	160
Equity cases tried.....	33
Equity suits brought.....	38
Indictments found.....	28
Jury trials.....	23
Session of law terms, days.....	20
Equity terms, days.....	4

MARCH TERM, 1866.

Criminal cases tried.....	61
Civil cases.....	192
Civil suits brought.....	177
Criminal docket.....	95
Indictments found.....	10
Jury trials.....	11
Petit Jury in attendance, days.....	10
Term Petit Jury, days.....	13

NOVEMBER TERM, 1866.

Criminal cases tried.....	66
Civil cases tried.....	170
Civil suits brought.....	216
Criminal docket, cases.....	83
Indictments found.....	28
Jury trials.....	12
Petit Jury in attendance, days.....	11

RECAPITULATION FOR THE YEAR 1866.

Criminal cases tried.....	127
Civil cases tried.	362
Civil suits brought.....	393
Criminal cases on docket.....	178
Equity cases tried.....	36
Equity cases brought.....	69
Indictments found.....	38
Jury trials.....	23
Session of law terms, days.....	24
Equity terms, days.....	4

JOHN A. CAMALIER,

Clerk.

OFFICE CLERK CIRCUIT COURT,

TALBOT COUNTY,

Easton, May 20, 1867.

Hon. R. B. CARMICHAEL,

President Constitutional Convention:

In compliance with an order of your Honorable Body dated
May 15th, 1867, I transmit the following report:

MAY TERM, 1864.

Indictments	23
Acquitted	10
Convicted	6
Not yet tried	3
Removed	1
Stetted	3

NOVEMBER TERM, 1864.

Indictments	5
Acquitted	3
Convicted	2

MAY TERM, 1865.

Indictments	7
Acquitted	5
Convicted	1
Not yet tried	1

NOVEMBER TERM, 1865.

Indictments	10
Acquitted	7
Convicted	2
Quashed on demurrer	1

MAY TERM, 1866.

Indictments	14
Acquitted	5
Convicted	5
Not yet tried	4

NOVEMBER TERM, 1866.

Indictments	19
Acquitted	6
Convicted	3
Not yet tried	7
Removed	3

The above statement does not embrace the presentments of the different terms in which there were no indictments, as the order does not appear to embrace them.

Very respectfully,

SAMUEL T. HOPKINS,

Clerk

OFFICE CLERK CIRCUIT COURT,

TALBOT COUNTY,

Easton, May 24, 1867.

Hon. R. B. CARMICHAEL,

President Constitutional Convention :

In response to an order of your Honorable Body, of May 15th, 1867, I beg leave to transmit the following report in regard to the Courts in Talbot County :

MAY TERM, 1865.

Criminal cases tried	33
Civil cases tried	16
Jury trials	21
Indictments	7
Presentments	26
Civil suits brought	95
Days Petit Jury in attendance	37
Days Court in session	38

NOVEMBER TERM, 1865.

Criminal cases tried	28
Civil cases tried	10
Jury trials	12
Indictments	10
Presentments	27
Civil suits brought	87
Days Petit Jury in attendance	11
Days Court in session	15

MAY TERM, 1866.

Criminal cases tried	34
Civil cases tried	14
Jury trials	16
Indictments	14
Presentments	25
Civil cases brought	128
Days Petit Jury in attendance	19
Days Court in session	26

NOVEMBER TERM, 1866.

Criminal cases tried	18
Civil cases tried	9
Jury trials	13
Indictments	19
Presentments	50
Civil cases brought	140
Days Petit Jury in attendance	15
Days Court in session	16
Number of Equity suits in 1865	16
“ “ “ “ “ “ 1866	25

respectfully,

SAMUEL T. HOPKINS,

Clerk.

OFFICE CLERK CIRCUIT COURT,

WASHINGTON COUNTY,

Hagerstown, May 22, 1867.

Hon. R. B. CARMICHAEL,

President Constitutional Convention :

Sir :—In compliance with the two orders of your Honorable Body, dated respectively May 14th and 15th, instant, I have the honor to submit the annexed statement in reply thereto :

Statement of the number of Indictments found by the Grand Juries for Washington County, for the years 1864, '65, '66

and '67, and the disposition made of the same, so as to show how many have been quashed, how many ruled bad on demurrer, and how many convictions and acquittals have been had under the same :

MARCH TERM, 1864.

Indictments.....27

NOVEMBER TERM, 1865.

Indictments.....36

Ruled bad on demurrer..... 1

Convictions..... 5

Acquittals..... 7

Abated and stetted..... 4

MARCH TERM, 1865.

Indictments.....17

Quashed..... 2

Convictions11

Acquittals10

Abated and stetted..... 6

NOVEMBER TERM, 1865.

Indictments.....54

Convictions10

Acquittals..... 7

Abated and stetted.....10

MARCH TERM, 1866.

Indictments.....40

Convictions14

Acquittals..... 8

Abated and stetted.....30

Removals..... 4

NOVEMBER TERM, 1866.

Indictments.....50

Quashed..... 1

Convictions16

Acquittals.....14

Abated and stetted.....15

MARCH TERM, 1867.

Indictments.....21

Convictions 9

Acquittals..... 4

Abated and stetted.....15

TOTAL.

Cases tried.....	265
Quashed	3
Ruled bad on demurrer.....	1
Convictions.....	65
Acquittals	50
Abated and stetted.....	80
Removed.....	4

Yours, very respectfully,

LEWIS B. NYMAN,

Clerk.

OFFICE CLERK CIRCUIT COURT,

WASHINGTON COUNTY,

Hagerstown, May 22, 1867.

HON. RICHARD B. CARMICHAEL,

President of the Constitutional Convention:

Sir:—In compliance with the two orders of your Honorable Body, dated respectively May 14th and 15th, instant, I have the honor to submit the annexed statement in reply thereto :

Statement showing the number of cases, Civil, Criminal and in Equity, which were tried at the several terms of the Circuit Court for Washington County, in the years 1865 and '66 ; the number of suits brought, and indictments found in said Court, within the period referred to, specifying the number of suits brought to and indictments found during each term of said Court ; the number of Jury trials during each of said terms ; the duration of the several terms of Court during said period, and the number of days the Petit Jury was in attendance during each term :

MARCH TERM, 1865.

Civil suits tried.....	91
Criminal suits tried.....	29
Civil suits brought.....	100
Indictments found.....	17
Jury trials.....	8
Duration of term, days.....	15
Petit Jury in attendance, days.....	13

JULY TERM, 1865.

Civil suits tried.....	28
Civil suits brought.....	113
Duration of term, days.....	3

NOVEMBER TERM, 1865.

Civil suits tried.....	88
Criminal suits tried.....	27
Civil suits brought.....	156
Indictments found.....	54
Jury trials.....	37
Duration of term, days.....	47
Petit Jury in attendance, days.....	40

MARCH TERM, 1866.

Civil suits tried.....	124
Criminal suits tried.....	66
Civil suits brought.....	151
Indictments found.....	40
Jury trials.....	23
Duration of term, days.....	30
Petit Jury in attendance, days.....	30

JULY TERM, 1866.

Civil suits tried.....	68
Civil suits brought.....	144
Duration of term, days.....	6

NOVEMBER TERM, 1866.

Civil suits tried.....	174
Criminal suits tried.....	46
Civil suits brought.....	171
Indictments found.....	50
Jury trials.....	31
Duration of term, days.....	35
Petit Jury in attendance, days.....	35

TOTAL.

Civil suits tried.....	573
Criminal suits tried.....	168
Civil suits brought.....	835
Indictments found.....	161
Jury trials.....	99
Duration of term, days.....	136
Petit Jury in attendance, days.....	118

EQUITY TERMS.

FEBRUARY TERM, 1865.

Suits brought.....	11
Suits tried.....	9

MARCH TERM, 1865.

Suits brought.....	14
Suits tried.....	10

JUNE TERM, 1865.

Suits brought.....	20
Suits tried.....	6

JULY TERM, 1865.

Suits brought.....	10
Suits tried.....	20

OCTOBER TERM, 1865.

Suits brought.....	8
Suits tried.....	2

NOVEMBER TERM, 1865.

Suits brought.....	10
Suits tried.....	11

FEBRUARY TERM, 1866.

Suits brought.....	12
Suits tried.....	5

MARCH TERM, 1866.

Suits brought.....	6
Suits tried.....	5

JUNE TERM, 1866.

Suits brought.....	13
Suits tried.....	1

JULY TERM, 1866.

Suits brought.....	9
Suits tried.....	7

OCTOBER TERM, 1866.

Suits brought.....	6
Suits tried.....	4

NOVEMBER TERM, 1866.

Suits brought.....	7
Suits tried.....	7

TOTAL.

Suits brought.....	126
Suits tried.....	87

Yours, very respectfully,

LEWIS B. NYMAN,
Clerk.

OFFICE CLERK CIRCUIT COURT,
WORCESTER COUNTY,

June 4, 1867.

Hon. R. B. CARMICHAEL,

President of the Constitutional Convention:

Sir:—After an unavoidable delay of two weeks, caused by a protracted session of the May term of our Court, I respectfully submit the following statement in accordance with the order of the Convention:

MAY TERM, 1864.

Indictments found	18
Convicted	12
Acquitted	4
Stetted	2

OCTOBER TERM, 1864.

Indictments found.....	6
Convicted	3
Acquitted	2
Stetted	1

MAY TERM, 1865.

Indictments found	11
Convicted	5
Acquitted	4
Stetted	2

OCTOBER TERM, 1865.

Indictments found	22
Convicted	5
Acquitted	6
Stetted	5
Not prosecuted and off	5
Quashed	1

MAY TERM, 1866.

Indictments found	20
Convicted	10
Acquitted	4
Stetted	5
Continued for trial	1

OCTOBER TERM, 1866.

Indictments found	14
Convicted	2
Acquitted	6
Stetted	1
Continued	5

MAY TERM, 1867.

Indictments found	25
Convicted	10
Acquitted	7
Continued for trial	8

STATE OF MARYLAND,

WORCESTER COUNTY, to-wit:

I, George H. Richardson, Clerk of the Circuit Court for Worcester County, hereby certify that the foregoing statement is truly taken from the Record of Proceedings of the said Circuit Court, this 4th day of June, A. D., 1867.



In testimony whereof I hereunto subscribe my name and affix the seal of the Circuit Court aforesaid.

GEORGE H. RICHARDSON,

Clerk.

OFFICE CLERK CIRCUIT COURT,

WORCESTER COUNTY,

June 4, 1867.

Hon. R. B. CARMICHAEL,

President Constitutional Convention :

Sir :—After an unavoidable delay of two weeks, caused by a protracted session of the May term of our Court, I respectfully submit the following statement in accordance with the order of the Convention :

JANUARY TERM, 1865.

Civil suits brought	27
Equity “ “	7
Judgments rendered.....	11
Number of days Court in session	2

MAY TERM.

Civil suits brought	33
Equity “ “	12
Judgments rendered	27
Indictments found	11
Days Petit Jury in attendance	5
Days Court in session	6

JULY TERM.

Civil suits brought	18
Equity " "	3
Judgments rendered	17
Days Court in session	2

OCTOBER TERM.

Civil suits brought	31
Equity " "	5
Judgments rendered	21
Indictments found	22
Days Petit Jury in attendance	5
Days Court in session	6

JANUARY TERM, 1866.

Civil suits brought	37
Judgments rendered	16
Days Court in session	3

MAY TERM.

Civil suits brought	54
Equity " "	9
Judgments rendered	33
Indictments found	20
Jury trials	3
Days Petit Jury in attendance	10
Days Court in session	10

JULY TERM.

Civil suits brought	29
Equity " "	6
Judgments rendered	14
Days Court in session.....	1

OCTOBER TERM.

Civil suits brought	49
Equity " "	3
Judgments rendered	35
Indictments found	14
Days Petit Jury in attendance	4
Days Court in session	5

Truly taken from the Record of Proceedings of the Circuit Court for Worcester County.

{ SEAL. } In testimony whereof I hereunto subscribe my name and affix the seal of the Circuit Court aforesaid.

GEORGE H. RICHARDSON,

Clerk.

[DOCUMENT D.]

READ-AND ORDERED TO BE PRINTED,

By Order, M. Y. KIDD, Secretary to the Convention.

REPORT
OF THE
SUB-COMMITTEE OF THE COMMITTEE
UPON
PUBLIC WORKS
AND
CORPORATIONS.

Appointed and Instructed to Investigate such of the Proceedings of the Mayor and City Council of Baltimore, as might be deemed necessary by said Committee, and Particularly relative to the Endorsement by the City of Baltimore of the Union Railroad Company's Bonds, and the Building of a New City Hall.

ANNAPOLIS:
GEORGE COLTON, PRINTER TO THE CONVENTION
1867.

REPORT

OF THE

Committee on Public Works and Corporations.

The Committee appointed under the following order, to wit: By the Convention,
Ordered, That the Committee upon Public Works and Corporations be instructed to investigate such of the proceedings of the Mayor and City Council of Baltimore as may be deemed necessary by said Committee, and particularly relative to the endorsement by the city of Baltimore of the Union Railroad Company's bonds, and to the building of a new City Hall; and that John H. Barnes, Outerbridge Horsey, and Fendall Marbury, members of said Committee, be a Subcommittee to proceed to Baltimore and there make the investigation.

By order,

MILTON Y. KIDD, *Sec'y.*

Having discharged the duties imposed upon them under the foregoing order, beg leave to submit the following as the conclusion reached from the investigation, and ask leave to be discharged from the further consideration of the subject:

By an Act of the General Assembly of Maryland, passed February 6th, 1866, chapter 119, the Union Railroad Company of Baltimore was incorporated with power to construct a road from the Relay House, on the Northern Central Railroad, to tidewater at Canton, with lateral roads to the city of Baltimore. By the Act of 1867 a change was made in the route, but in no other particular was the charter changed by that Act.

The charter makes the capital of the Company six hundred thousand dollars, represented by shares of the par value of one hundred dollars each, with a provision that so soon as fifteen hundred shares were subscribed, and one dollar paid on each, the stockholders were authorized to organize the Company and exercise the powers granted in the charter. The initial steps thus pointed out were observed, and subscription books opened, conformable to law, and sixteen hundred and four shares being subscribed, the Company, in due form of law, was organized.

The following is a list of the subscribers' names and the amount taken by each, and also the amount paid:

	Shares.		1867,	
Canton Company,	500	Paid on acc't,	Jan. 5,	\$500
Western Md. R. R. Co.	500	" "	April 5,	500
A. & W. Denmead & Son,	20	" "	Jan. 8,	20
John N. Ely,	10	" "	Jan. 16,	10
G. K. Tyler,	10	" "	Jan. 16,	10
Isaac Tyson, Jr. & Son,	20	" "	Jan. 26,	20
John W. Randolph,	10	" "	March 2,	10
S. C. Bump,	2	" "	Jan. 16,	2
John Foss,	20	" "	Jan. 31,	20
Jesse Remington,	2	" "	Feb. 26,	2
James Manderson,	10	" "	March 2,	10
Geo. Slothower, Pres't of the G. F. R. R. Co.	500	" "	Ap'l 13,	500

No. of shares subscribed, 1604 Total cash pd. on act. \$1,604

From the foregoing it will be seen that one hundred and four shares, amounting to ten thousand four hundred dollars, covers the individual and firm subscriptions; the residue is by incorporated companies, there still remaining four hundred and thirty-nine thousand six hundred dollars of the authorized capital untaken.

The 5th Section of the Act of 1866, chapter 119, authorizes the collection of their subscription as other debts are collected, or the Company may, in its discretion, remit all subscriptions.

The power to raise money for the construction of the road, and the method indicated, are found in the 2d, 3d, 5th and 11th Sections of the Act of Incorporation. The Sections are as follows :

SECTION 2. And be it enacted, That the capital stock of said Company shall be six hundred thousand dollars, in shares of one hundred dollars each ; and as soon as fifteen hundred shares are subscribed, the subscribers, their successors and assigns, shall be and they are hereby declared to be, incorporated into a Company by the name of the Union Railroad Company of Baltimore, and by that name shall be capable in law of purchasing, holding, selling, leasing and conveying estates, real, personal and mixed, so far as shall be necessary

for the purpose herein mentioned, and no further, and shall have perpetual succession ; and by said corporate name may sue and be sued, and may have and use a common seal, which they shall have power to alter and renew at their pleasure ; and shall have, enjoy, and may exercise all the rights and privileges which other corporate bodies may lawfully do for the purposes herein mentioned.

SEC. 3. And be it enacted, That the Mayor and City Council of Baltimore, the Northern Central Railroad Company, the Western Maryland Railroad Company, and the Canton Company, and any other corporation chartered by this State, may, and they are hereby fully authorized and empowered, severally and respectively, each on its own account, to subscribe, as corporations, to the capital stock of said Company, which subscriptions shall be made for the said Mayor and City Council by ordinance, and by the other corporations in the manner in which other corporate acts are by them respectively performed ; and the first subscriptions of the said corporations shall not be deemed to exhaust the power, but each of the said corporations may make other and further subscriptions, if they consider the same expedient and proper ; and the said Mayor and City Council may from time to time borrow money, or issue certificates of indebtedness, to meet any instalments of subscription, and each of said corporations is authorized to issue its bonds to the amount necessary to meet such subscriptions, and to secure such bonds by mortgage or otherwise.

SEC. 5. And be it enacted, That upon every such subscription there shall be paid at the time of subscribing, to the Commissioners, or their agents appointed to receive such subscriptions, to the sum of one dollar per share, and the residue thereof shall be paid in such instalments, and at such times as may be required by the President and Directors of said Company ; *Provided*, That not more than one-half of such subscriptions be demanded in any one year from the commencement of the work, nor any payment demanded until at least thirty days public notice of such demand be given by the said President and Directors, by advertisement published at least once a week for three weeks, in two of the Baltimore papers ; and if any subscriber shall fail or neglect

to pay any instalments thus demanded for the space of sixty days next after the same shall be due and payable, the stock upon which the same shall be demanded, shall be forfeited to the Company, and may be sold to the said President and Directors for the benefit of the Company ; but the President and Directors may proceed for the collection of the same as in cases of other debts, or may remit such subscription or such forfeiture as they may deem proper.

SEC. 11. And be it enacted, That if the subscription obtained be insufficient, the President and Directors, or a majority of them, may issue the bonds of said Company to an amount not exceeding the capital stock authorized by this Act, and may secure the same by mortgage or mortgages upon the property, franchises and revenues of the Company.

The Mayor and City Council of Baltimore, by ordinance approved ———, 1867, undertook to guarantee five hundred thousand dollars of the bonds of the Company. The power thus to act has been questioned, and we think upon sufficient grounds.

Power is given in clear and unmistakable terms in the 3d Section of the Act, to several incorporated companies and to the municipality of Baltimore City to *subscribe* to the capital stock of the Company, but there is no power conferred upon Baltimore City, or any other corporation, to endorse or guarantee their mortgage bonds. It has been alleged that the 6th Section of the Act when construed in connection with the title of the Bill confers by implication this power. The provisions of the law relied upon as giving the power to endorse, read as follows :

SEC. 6. And be it enacted, That the affairs of the said Company shall be managed by a President and Board of Directors and such other officers and agents as such President and Directors may deem necessary ; that there shall be one Director for each five hundred shares of stock subscribed, and also an additional Director on the part of the Mayor and City Council of Baltimore, or any other corporation, for each one hundred thousand dollars of the bonds of said Company, *which may be endorsed or guaranteed by the Mayor and City*

Council of Baltimore, or said other corporation, that if any corporation, including the said Mayor and City Council, shall become subscribers to the said capital stock, to the extent of five hundred shares or more, such corporation shall be represented in the Board of Directors, so long as it is the holder of such stock by one Director for each five hundred of such shares, to be appointed in the manner set forth in the 4th Section of this Act.

TITLE—AN ACT

To incorporate the Union Rail Road Company of Baltimore, and to authorize the Mayor and City Council of Baltimore, the Northern Central and the Western Maryland Railroad Companies, and the Canton Company, to subscribe for the capital stock thereof, *and to endorse the mortgage bonds of said Company*, passed by the General Assembly of Maryland, January Session, 1866.

It will be seen that the section just quoted, refers to the mode of appointing Directors in the Company, and incidentally provides that in addition to the Directors which Baltimore City may have to represent any stock it may own, it shall also be entitled to one additional Director “for each one hundred thousand dollars of the bonds of said Company which may be endorsed or guaranteed by the Mayor and City Council of Baltimore.”

At the time of the passage of the Act, nothing more than a subscription to the stock of the Company was contemplated ; and the 6th Section, above quoted, looks, no doubt, to a subsequent Act of the Legislature authorizing the City to endorse the bonds, and anticipating such action, provision is made for Directors to represent any increased interest whenever it should occur. The projectors of this enterprise, no doubt, foresaw the uncertainty of getting stock subscriptions adequate to furnish the work, but felt quite sure if the City of Baltimore could be induced to make a large subscription to the capital stock, it would feel the necessity of coming forward in the end and endorsing enough of the bonds of the Company to complete the work, such action would be necessary in order to save the sum invested in the stock of the Company, and in this way the burthen of carrying this enter-

prise through, would fall upon the tax payers of Baltimore City.

The capital of the Company is limited to six hundred thousand dollars ; the intention evidently was to direct the use of the sum derived from stock subscriptions, before a resort was had to the credit of the Company, and if found inadequate, then an issue of bonds might be resorted to ; this is the obvious intent of the 11th Section of the Charter. It reads as follows : “ That if the subscriptions obtained be insufficient, the President and Directors, or a majority of them, may issue the bonds of said Company to an amount not exceeding the capital stock authorized by this Act, and may secure the same by mortgage upon the property, franchises and revenues of the Company.”

The policy and practice of the State has been to require that all Stock Companies shall have a real and substantial capital value, and it has never encouraged corporate enterprises predicated simply upon debt. In the case of the Union Railroad Company now under consideration, a real Stock basis of \$600,000 was doubtless contemplated. The capital thus authorized was intended to be first applied to the construction of a Railroad as far as might answer that purpose, some real and tangible value would thus be created upon which to predicate a loan. But in the absence of such a basis of values, it is difficult to see what the Company could have to mortgage as a security for an issue of \$500,000 of bonds, and yet this is just what has been done. The entire enterprise (saving the meagre stock subscriptions obtained) and upon which there has been but one dollar paid in, is predicated upon nothing but bonded debt.

Much of the growth and prosperity of our State, and the onward march of the City of Baltimore in numbers and wealth is due to the successful prosecution of our works of internal improvement, and it is now a well accepted fact, that no community can hope for prosperity if its people are indifferent to the facilities necessary to afford certain, rapid and cheap intercourse, and interchange of the products of industry ; for it is by such means that vast treasures of wealth are brought into the commerce of the world and made to con-

tribute to the general happiness and progress of man, which otherwise would remain valueless.

The magnitude of such undertakings, however, not unfrequently exceeds individual means, and hence the necessity for Acts of incorporation, uniting and centralizing individual efforts and capital in order to secure the successful accomplishment of such enterprises. The aid of States and Cities have, at times, been invoked and properly given to secure prompt success, and benefits have resulted far in excess of the temporary inconveniences resulting from the non-ability of such undertakings in the beginning to be fully productive. While these things are true, still there is a great necessity for caution, and for legislative restraints, lest communities through the snares of the wiley and the designing, and by the recklessness of others should become dangerously involved in debts beyond their means to pay without great suffering and hardship, and thereby cause alarm, when capital to escape the burthens of taxation takes flight, and thus an obstacle to success is created instead of the promised good.

The Legislature has for wise purposes ever been cautious in granting power to one Corporation to participate in the affairs of another or become responsible for debts not properly its own, and whenever this policy has been departed from, it has been by the most open and direct means, and the authority so to act is couched in terms neither doubtful nor implied. The necessity for such a course is apparent in order to protect the public against the possibility of frauds, and hold in restraint the constant tendency of Municipal and other Corporations, to pervert and abuse their legitimate authority in doing by indirect means that which they could not obtain authority to accomplish by an open and direct appeal to the Legislature of the State. All such Acts are of evil tendency, and against the spirit of the law; and to which no citizen can lead himself and claim an immunity from rebuke and a just public censure, even though he may escape punishment by the law.

In respect to the new City Hall now in progress, for full details the Committee visited the office of Mr. Frederick, architect, who exhibited and explained the details and designs of his plan for a new City Hall, which has been ap-

proved and adopted by the Commissioners charged with the erection of the building.

The designs contemplate a building of great beauty of style and proportions, and of imposing magnificence, combined with durability and ample accommodations for the present and growing wants of the city.

It is designed to cover the square bounded by Holliday, Fayette, North and Lexington streets, and is two hundred and thirty-one feet by one hundred and fifty feet from Holliday to North streets. The designs contemplate a building three stories high, with interior courts, a central and spacious Rotunda, with dome 234 feet high, with a large number of conveniently arranged apartments, adapted to every present and anticipated wants, with stairways and corridors appropriate and in full proportion to the interior arrangements.

The outer walls are designed to be faced with well selected and durable white marble, skillfully wrought, while iron trusses and groins of masonry support the floors, and will give great firmness and durability, as well as much security against fire.

The Committee are free to say that if the financial condition of the city justified the expenditure, the building contemplated is appropriate, and such as is required by the wants of a city of increasing numbers and wealth.

But when we consider the magnitude of the city debt, and the consequent burthens of taxations weighing down the industry of our people and paralyzing their energies, and that, too, when great financial troubles are impending and the substance of our people is wasting away and values changing, however gratifying it might be to our feelings and our city pride to have such a hall, we are admonished that this is not the time to embark in such expensive enterprise.

The existing corporate debt of Baltimore city gathered from information obtained from the City Comptroller, appears to be as follows :

Funded and floating debts created at sundry times and for various purposes.....	\$9,899,401 51
Guarantees for internal improvements and debt for water supply and Public Parks....	12,205,102 48
To which may be added for Union Railroad Bonds guaranteed.....	500,000 00
City Hall and other extraordinary expenditures.....	2,000,000 00
	<hr/>
	\$24,604,503 99

It is proper to say that for the absorption of this debt there is in various sinking funds at this time..... 5,621,208 07

Which deducted still leaves..... \$18,983,295 92

The annual interest upon this total debt, will be as thus computed.....\$1,476,270 24

In part payment of this sum there is received from various sources, to wit: Baltimore and Ohio Railroad five million loan..... 300,000 00

York and Cumberland Guarantee Bonds..... 30,000 00

Western Maryland Railroad Bonds..... 12,000 00

Water Rents..... 267,068 17

City Passenger Railway for interest on Park debt 33,237 98

Baltimore and Ohio Railroad dividend on \$3,- 500,000 stock..... 280,000 00

\$922,306 15

Leaving of annual interest to be provided for by taxation or otherwise, the sum of..... \$553,964 09

Great abuses of power and public confidence have grown up in our city management. With a shameful disregard of the true intention of government and the interest of the citizen and tax payer, large sums of money have been drawn from the City Treasury, merely to bestow patronage upon partisan favorites. The Councils have sanctioned the clandestine use of large sums of money without accountability, and for unworthy purposes; and in this way much of the city debt, and also a large proportion of the annual expenses of the City Government have been brought about. Cases of

individual corruption were indicated to the Committee, but they did not feel themselves at liberty under the order of the Convention, to investigate them, because it would have involved more time than was deemed necessary to bestow, in establishing by official testimony that which is so currently reported, and we think, with just foundation, believed.

Economy in government is at all times a commendable virtue; at the present it rises to a point of importance never before felt by our people. It is an essential necessity to save us from pecuniary suffering, if not from hopeless bankruptcy. But in the midst of this startling condition of things, the sad experience comes home to us that economy in the use of public money, is a virtue seldom cultivated, and still more rarely practiced.

The hands of those controlling city affairs, judging from past records, know no restraint, and seem lost to the virtue of economy. Where the public treasury is open to the cupidity of the unscrupulous, and not guarded by moral integrity there is little hope for the tax payer.

The Mayor and City Council, by ordinance approved September 25th, 1865, provided for the appointment of Commissioners, who were authorized to adopt plans, and proceed to the erection of the new City Hall; and the same ordinance directs the Commissioners of Finance to issue five hundred thousand dollars of city bonds, and dispose of them at market rates, and apply the proceeds to this purpose.

The Eleventh Section of this Ordinance required that it should not go into effect until authority was obtained from the General Assembly of Maryland to issue these bonds. In 1866 the Legislature gave their sanction to the issue of six hundred thousand dollars, and therefore and to that extent the authority of the Mayor and City Council is undoubted, and had the cost of the building in all its parts and furnishings, when completely finished, been limited to the amount realized from the sale of the bonds authorized to be sold, their legal rights could not have been doubted. But the plan adopted will far exceed the amount authorized by the Ordinance or by the approving act of the Legislature of 1866, chapter 1.

The architect's estimated cost is eight hundred thousand dollars, if his plans are adhered to, and proper economy practiced. Such a hope, however, is, we think, a vain delusion, and if the work progresses at all in these expensive times of building, but little less than a million and a half of dollars may confidently be expected as the final cost.

We can hardly suppose, nor do we believe, that the powers granted in the Ordinance of 1865, to use for this purpose half a million of bonds, ever authorized the mere beginning of a building, the ultimate cost of which was to greatly exceed the amount set apart, and beyond which they had no right to go. The sum appropriated contemplated payment in full for a finished building, not to lay the foundation and rear outer walls, merely or partially construct the edifice, but to finish it in all its detail and in every part. If any other purpose was contemplated it does not appear upon the face of the law, and the Commissioners are not at liberty to go beyond its clear requirements, nor could the Mayor and City Council grant any powers to them in the premises not previously authorized by the Legislature.

The Mayor and City Council in their powers are limited by Legislative enactments, and the Commissioners are limited by the ordinance, and neither can go beyond them. If the Commissioners appointed under the Ordinance of 1865, or the Mayor and City Council had the power to exceed the sum authorized, then they could as well have proceeded without any authority. To exceed the law is as grave an offence as to proceed without law, and to do so is so grave an offence that the seal of public condemnation should be set upon all who participate in it.

The continued increase of the debt of Baltimore City is a subject of painful anxiety to its citizens. Each returning year has brought its augmentation, until now the burthens are intolerable, and its effect must be disastrous to the prosperity of the City and to the State also. From the fear of heavy taxation, capital will shun us, personal property will hide itself, and thereby the basis of taxation will diminish while the debt increases, and thus the burthen must, and will, in the end, fall with crushing weight upon real estate.

